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The American
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VOL. XLIII JUNE, 1949 NO. 3

REBUILDING THE GERMAN CONSTITUTION, I

CARL J. FRIEDRICH
Harvard University

I. THE BACKGROUND: BISMARCK, WEIMAR, HITLER

The hectic sequence of Germany's constitutional history led that unhappy country, following the final liquidation by Napoleon of the last remnants of medieval constitutionalism, through the confusion of Austro-Prussian rivalry, Empire, democratic Republic, and Fascist dictatorship, to the total vacuum of unconditional surrender in May, 1945. The pretense of a four-power (quadripartite) *condominium* by means of the Allied Control Council, which at first looked to many responsible people like a feasible stop-gap, has been revealed in this sequence as an empty façade. During the years 1945–49, Germany has been governed by a bewildering maze of conflicting and competing *authorities* whose *legitimacy*, beyond the reach of their immediate *power*, has been in considerable doubt. Authority, power, legitimacy; unless these are effectively combined and balanced, the existence of a true government may well be doubted. Continental Europeans, who prefer to talk about the "state" in discussing problems of government, have therefore been wondering whether the German state has continued to exist—a problem in higher semantics which is briefly discussed below. Regardless of the answer we might give to this question, few will dispute the proposition that building a constitutional government on a workable democratic foundation in what remains of Germany in 1949 constitutes an unprecedented task, even from a strictly governmental and political standpoint. If one adds to this governmental nightmare the social and economic problems resulting from air bombardment, from forced immigration of upwards of ten million German-speaking "foreigners" (in the sense in which Vermonters use that term to describe anyone from New York or farther), the results coming from the levelling of all classes and the proletarization of the middle class, from the psychic trauma induced in the Hitler-misled "youth" who are now from ten to thirty years old, and the paralyzing effect of the all-consuming fear in German minds of an atom bomb war fought out over their heads, with the remainder of their women raped by the Red Army—then, and only then, does one approach a sense of the obstacles in the way of "rebuilding the German constitution." Any thoughtful person associated with that enterprise is recurrently overcome with a sense of frustration compared to which the proverbial battle with the windmills is child's play.

The compromise at which we have now arrived is the resultant of constitutional ideas partly German, partly French, partly English, and partly American. It is not my intention to disentangle these skeins here. But I mention the matter before offering the suggestion that, after all is said and done, German concepts of democracy and government have continued to play a predominant rôle in shaping this result. The "prescriptive" force of tradition, in Burke's sense, is winning out against all odds. For better or worse, the great conservative's insistence still holds that "a nation is not an idea only of local extent, and individual momentary aggregation, but it is an idea of continuity, which extends in time as well as in numbers and space."[1] This very fact fills many with dismay. If the Germans, who have so continuously failed to build democracy and constitutionalism on a sound foundation, are going to repeat the errors of the past, there seems slender hope that they will achieve the goal of a stable, free, and peace-loving society.

Rationally speaking, it seemed so easy, once all the structures of the past had been swept away by unconditional surrender, "to build democracy from the grass roots," and eventually to arrive at one of the proven workable schemes of democratic government, whether it be the American, the Swiss, or the British. But the "grass roots" upon which the conquerors stood were, symbolically speaking, the Catholic Bavarian village and the Marxist trade union. Authoritarian faith and economic parochialism—these were the two roots of local community which, by grafting a synthetic nationalism upon them, the imperialism of Bismarck, the utopianism of Weimar, and the racism of Hitler had sought to exploit in turn. Today the conquerors stand baffled as their grass roots have blossomed forth into the weedy growth of two big, sprawling parties: the Christian Democratic Union and the Social Democratic Party of Germany. While German intellectuals mock and wax bitter over these congregations of unprincipled politicians, whose creeds are hard to distinguish except on an abstract plane, some American and British observers are wondering whether this is the German version of the two-party system. So far, this version is nationalist, internationalist, socialist, capitalist, federalist, centralist, authoritarian, anti-dictatorial; in short, all things to all men, and above all preoccupied with the feed-trough of better meals, better flats, better travel. Anyone who would trace the rebuilding of German constitutionalism, even in bare outline, had better keep in mind that German tradition is at work in the thinking of these men and women who have shaped the constitutional programs of the two major parties and put together the proposed framework for government at Bonn during many long months of argument and compromise.[2]

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[1] "Reform of Representation in the House of Commons," *Works* (Boston, 1839), V, p. 405. The same persistence in national traditions is to be observed in France.

In this German tradition, the heritage of the Weimar Republic, in turn linked to the "revolution" of 1848,[3] is undoubtedly the most potent positive force. The most striking characteristic of this inheritance is a democratic Rousseauism. The makers of the Weimar constitution had only a very weak appreciation of the two most vital features of genuine constitutionalism: the protection of the individual against the government (state), including the legislature, which encompasses the protection of the minority against the majority, and the need for some effective scheme of dividing governmental power. There was also lacking at that time a full appreciation of the importance of achieving a workable scheme of government, and there was a resulting tendency to rely upon emergency powers (Article 48) for handling a breakdown when it occurred.[4]

These elements in the Weimar tradition are related in a striking dialectic fashion to the preceding *Kaiserreich* tradition. The Rousseauistic conception of radical democracy, wherein the will of the people settles all problems "justly," is the antithesis of monarchical authoritarianism, yet the relation between them is clear when the "unquestioned authority" of the majority is substituted for the older pattern. But to the men at Weimar, the separation of powers also smacked of monarchical constitutionalism, and therefore could not be viewed with any enthusiasm.[5] Finally, the Weimar constitution fell back upon the monarchial ideas of the efficacy of "one-man-rule" in its broad emergency powers for the president. While it is unfair to blame Hugo Preuss entirely for his failure to anticipate the disaster of Hindenburg's election and reëlection, this failure is symptomatic of the Weimar leaders' roseate conception of the workings of democracy. What is more important, Preuss' arguments in support of a *strong* president are as definite a reflection of his surviving monarchial bias as were Alexander Hamilton's views in this matter.

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[2] Considerable comment has been put forward in Germany on the subject of these constitutional solons, especially their age and background. Besides the many newspaper articles, mention may be made of Konrad Mommsen's article, "Bonn—ein Beamtenparlament," in *Die Wandlung* (1949). He shows the average age to be 52, with the youngest member 34 and the eldest 74. This does not seem a bad showing, considering the age composition of the American Senate. But there is a difference here between a "representative" body in a stable society and one of violent contrasts between generations. In any case, it is clear that the average member of the Bonn Parliamentary Council "belongs" to the Weimar Republic, even if he did not participate in shaping its constitution in 1919 (as several deputies did).

[3] There appeared a considerable crop of articles and brochures linking 1848 with the present, concomitant with the centenary celebrations. Among these, Friedrich Meinecke's brief essay is perhaps the most representative of German democratic tradition. See also the author's "Die Forty-Eighters" in *Prisma* (1948). The celebration of the centenary at Frankfurt in May, 1948, was held at the *Paulskirche* and was marked by a striking discourse by the poet Fritz von Unruh, perhaps the most extraordinary self-critique of the German tradition ever offered by a German. It is reprinted in full in *Die Neue Zeitung*, May 20, 1948.

[4] See for these matters Arnold Brecht, *Prelude to Silence* (1944), and Frederick M. Watkins, *The Failure of Constitutional Emergency Powers under the German Republic* (1939), and the literature cited there. Since 1945, only a few significant studies have appeared. Among them, one might mention Ferdinand Friedensburg's *Die Weimarer Republik* (1946).

Apart from this indirect influence, the Empire tradition also exerted lasting effect through its pro-bureaucratic idea of a neutral, arbitral function of "the state." The state is called upon to act as umpire between the parties, is above the factions, or at any rate above economic interests. The genuine democratic idea of the government as the tool for getting things done which the people want done, as a battleground where these matters are being decided according to definite rules of combat, often became obscured. In this connection, the victorious Allies in 1919 had made a fatal mistake by insisting upon a professional army with a definite length of life-time service stipulated for officers, instead of encouraging the democratic elements in developing a militia and forbidding professional soldiering.

Finally, the impact of the political ideas of the National Socialist régime has helped to serve as a corrective of previous weaknesses. While Germans are still decidedly confused in their notions of democracy (or should one say, are too rationalistically dogmatic in their notions?) today they are quite definitely anti-dictatorial. Leaving aside the dubious results of opinion polls, the party programs all show vigorous opposition to emergency powers and a much greater grasp of the need for safeguarding civil liberties. Dissatisfaction with military government has in part reinforced these dispositions, although "democracy" has also been discredited, in so far as military government is seen to be representative of the democratic way.

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[5] For this background, see my *Constitutional Government and Democracy* (1941), Chap. X. The failure to appreciate the constitutionalist tradition linked with the monarchies is due to the propaganda line which indiscriminately talks about Prussian autocracy, whether the point refers to the true autocracy of Frederick William I, to the veiled autocracy of Frederick William IV, or to the imperfect constitutionalism of Bismarckian Germany. Political science has never produced a thorough study of the government of the German Empire, and the old and unsatisfactory book by Howard still remains the only monograph on this fascinating topic.

II. ALLIED POLICY PRONOUNCEMENTS[6]

The future German constitution has been a subject of repeated Allied policy announcements. In the Potsdam Declaration, it was stated that: "The administration of affairs in Germany should be directed towards the decentralization of the political structure and the development of local responsibility. To this end:

> "(i) Local self-government shall be restored throughout Germany on democratic principles and in particular through elective councils as rapidly as is consistent with military security and the purposes of military occupation;
>
> "(ii) All democratic political parties with rights of assembly and of public discussion shall be allowed and encouraged throughout Germany;
>
> "(iii) Representative and elective principles shall be introduced into regional, provincial, and state (*Land*) administration as rapidly as may be justified by the successful application of these principles in local self-government;
>
> "(iv) For the time being, no central German government shall be established. Notwithstanding this, however, certain essential central German administrative departments, headed by state secretaries, shall be established, particularly in the fields of finance, transport, communications, foreign trade, and industry. Such departments will act under the direction of the Control Council.
>
> "Subject to the necessity for maintaining military security, freedom of speech, press, and religion shall be permitted, and religious institutions shall be respected. Subject likewise to the maintenance of military security, the formation of free trade unions shall be permitted."[7]

Almost identical language was employed in the Joint Chiefs of Staff Directive 1067[8] in April, 1945. This was amended in July, 1947; but the only significant difference as far as the future German constitution was concerned was a greater emphasis upon the task of democratization. The most important passages from this directive are as follows:

> "*German Self-Government*
>
> You [the Military Governor] will continue to promote the development in Germany of institutions of popular self-government and the assumption of direct responsibility by German governmental agencies, assuring them legislative, judicial, and executive powers consistent with military security and the purposes of the occupation.
>
> "It is the view of your Government that the most constructive development of German political life would be in the establishment throughout Germany of

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[6] For full discussions of Allied policy developments, see the following: C. J. Friedrich and associates, *American Experiences in Military Government in World War II;* W. Friedmann, *Allied Military Government of Germany* (1947); Harold Zink, *American Military Government in Germany* (1947); and Robert Neumann, "New Constitutions in Germany," in this REVIEW, Vol. 42, No. 3 (June, 1948).

[7] See *Axis in Defeat*, Department of State, Pub. 2423, 1946, Anglo-Soviet-American Conference, 1945, p. 13.

[8] For JCS 1067, see *ibid.*, p. 40.

> federal German states (*Laender*) and the formation of a central German government with carefully defined and limited powers and functions. All powers shall be vested in the *Laender* except such as are expressly delegated to the Central Government.
>
> "Your Government does not wish to impose its own historically developed forms of democracy and social organization on Germany and believes equally firmly that no other external forms should be imposed. It seeks the establishment in Germany of a political organization which is derived from the people and subject to their control, which operates in accordance with democratic electoral procedures, and which is dedicated to uphold both the basic civil and human rights of the individual. It is opposed to an excessively centralized government which through a concentration of power may threaten both the existence of democracy in Germany and the security of Germany's neighbors and the rest of the world. Your Government believes that, within the principles stated above, the ultimate constitutional form of German political life should be left to the decision of the German people made freely in accordance with democratic processes.[9]"

American policy was further elaborated in the well-known speech by Secretary of State James F. Byrnes at Stuttgart on September 6, 1946. This speech followed closely upon the wrangles over the peace treaties in Paris in July,[10] and laid greater stress upon American confidence in a future German democracy built by the Germans. Several times the Secretary returned to this keynote, as characterized by the following: "It is our view that the German people should now be permitted and helped to make the necessary preparations for setting up of a democratic German government which can accept and observe these [democratic] terms. . . . The American people hope to see peaceful, democratic Germans become and remain free and independent."[11] This speech amplified the already announced American determination to go forward with the task of developing a German democratic government, even if the Soviet Union continued to obstruct such a development.

American policy as declared by the Secretary of State was further elaborated in preparation for the conference at Moscow which took place from March 10 to April 24, 1947. The actual papers prepared for this abortive attempt to reach agreement with the Soviet Union have not been made public. Publicity attendant upon the Conference made clear that the United States had detailed plans designed to bring about the establishment of a federalized democratic German state. The British foreign minister, Mr. Bevin, had stated his government's position in

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[9] Directive Regarding the Military Government of Germany, July 11, 1947, Department of State, Pub. 2913.

[10] Carl J. Friedrich, "The Peace Settlement with Germany," *Annals of the American Academy of Political and Social Science*, May, 1948, pp. 119–141.

[11] "Restatement of U.S. Policy on Germany; Address by the Secretary of State, Delivered in Stuttgart, Germany, September 6, 1946," Department of State, Pub. 2616. See also James F. Byrnes' own account in *Speaking Frankly* (1948), pp. 186–191.

Parliament on October 22, 1946, when he said: "We countenance a German constitution which would avoid the two extremes of a loose confederation of autonomous states and a unitary centralized state. Certain questions would be exclusively reserved to the center. No regional units would be exclusively competent in all the remaining powers. Allowances would thus be made for local difference in traditions, religion, and economic circumstances." It is important that in the sequel, British and American policy did not maintain this broad-gauged approach, but allowed itself to be involved in the details of the kind of federalism to be established.

At the Moscow Conference, there was genuine agreement on the democratization objectives, but sharp differences with regard to decentralization. The two extremes were represented by the Soviet and the French positions. The British and American delegations took intermediate positions. The British were more inclined toward a centralized authority, the Americans more in favor of a decentralized structure. However, the verbal agreement on democratization barely hid the sharp differences concerning the meaning of democracy. At one crucial point in the negotiations, Secretary Marshall found himself obliged to restate emphatically the basic American creed of civil liberties. On March 23, he proposed that the Allies inform the provisional government that Germany should be a democratic state in the sense that:

> "(1) All political power is recognized as originating with the people and subject to their control.
>
> "(2) The people have the opportunity to exercise that control through popular elections held at frequent intervals.
>
> "(3) Elections are conducted under conditions in which freely competing parties submit their programs and candidates to a vote of the people at frequent intervals.
>
> "(4) Political parties are voluntary associations of citizens, and no political party enjoys a privileged status.
>
> "(5) The basic rights of the individual, including free speech, freedom of religion, freedom of assembly and association, and other equally basic rights of man are recognized and guaranteed.
>
> "(6) Individuals are protected from arbitrary arrest, search, and seizure, and are guaranteed equality under the law."[12]

It does not appear likely that agreement could have been reached on the German constitution at Moscow. However, the conference broke down over a number of other issues.

In spite of the discouraging experience of the Western Allies at Moscow, it was decided to leave a door open for further negotiation. It was particularly Britain's desire to make one more attempt. However, in the meantime the Bizonal Organization, which had been initiated the previous winter, was strengthened and consolidated, but without yet making it a formal provisional government. Whether this decision was wise may be doubted. This self-imposed restraint did not aid the two powers in reaching agreement with France, and it did not enable them to reopen negotiations with the Soviet Union. At the same time, both they and their German wards paid heavily for this lack of an efficient and democratically responsible government. It also greatly complicated the German aspect of the Marshall Plan. This project was initiated as a result of the failure of the Moscow Conference; but the Soviets rejected it and did not let themselves be persuaded to take a more conciliatory position at the meeting of the Foreign Ministers in London in the fall.

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[12] Text of Secretary Marshall's statement to the Council of Foreign Ministers on the political organization of Germany, *New York Times*, Mar. 23, 1947, p. 12.

If there was hope in some quarters that the Soviet Union might reconsider its position and enter into agreements over Germany at the London Conference, it proved futile. The Conference met from November 26 to December 16, 1947. As far as the German constitution was concerned, the positions of the three Western Allies developed at the Moscow Conference were restated, and no essentially new element was added. A certain amount of progress was made in approaching agreement with the French, but details of these negotiations are not important here. Consequent upon the failure of the London Conference, the three Western Allies decided to proceed independently with the establishment of a German government based on a German constitution. Some further developments were occasioned by a British desire to try once more to reach agreement with the U.S.S.R. on currency reform, but the Soviets remained uncoöperative.

The crucial tripartite agreements on the German constitution were negotiated at London in the spring of 1948 in two tripartite conferences, one held at the first of the year and the other in the late spring. The first of these conferences, after much difficulty, achieved preliminary agreement on certain questions; but the important agreements resulted from the second conference. From the standpoint of a student of constitutional processes, it would have been very fortunate had the British and American negotiators succeeded in thoroughly convincing the French that a constitution would not be worth the paper it was written on unless it was primarily the work of the Germans themselves. Although this appeared to be the case at the time, unfortunately this proved not to be fully so. Obviously, there were many detailed issues which might be considered highly controversial among the Allies themselves as well as among groups in each of the Allied camps. Furthermore, it was rather troublesome that the negotiations concerning the constitution had to be linked with such issues as international control of the Ruhr, the

Occupation Statute, protection of foreign interests, reorganization of the *Laender*, boundary rectification, and export-import policy—troublesome, but unavoidable.

It is a considerable testimony to the democratic conviction and sagacity of the Western Allies that a broad-gauged agreement on the constitution was eventually reached. This settlement was contained in the London Agreements,[13] and was communicated to the German Minister-Presidents on July 1, when the Military Governors informed them of the agreement at London concerning a future German political organization. The key passage stated Allied policy as follows: "The constituent assembly will draft a democratic constitution which will establish for the participating states a governmental structure of a federal type which is best adapted to the eventual reëstablishment of German unity at present disrupted, and which will protect the rights of participating states, provide adequate central authority, and contain guarantees of individual rights and freedoms." The rest of the document dealt with procedural matters. It authorized the Minister-Presidents to convene a constituent assembly by September 1, indicated the procedure for choosing delegates to this assembly and suggested an electoral quotient of 750,000; it also provided for a popular referendum for the purpose of ratifying the constitution after approval by the Military Governors. A majority in two-thirds of the states was to bring into existence the constitution as drafted and approved.[14] It is to be noted that the Allied decisions communicated to the Germans did not specify that the constitution was to be restricted in its applicability to a western German state, but on the contrary stressed that it should be adapted to the eventual reunification of the country. In addition, it is important to bear in mind that the constitution was to be coupled with an occupation statute which will be further discussed below.

III. THE STRUGGLE OF JULY TO AUGUST, 1948: BASIC LAW VS. CONSTITUTION[15]

Although a concerted effort was made by certain leaders within the Social Democratic and Christian Democratic parties to say "no" to the London Agreement, a compromise was worked out within the parties, and its main features were embodied in the so-called Coblenz Resolution, in which it was said (in rough paraphrase): "The German Minister-Presidents will accept the authorization to convene a representative assembly, but they propose to call this a 'Parliamentary Council.' They will charge it with drafting, not a full-fledged constitution, but a basic law of a provisional nature which can be transferred into a real constitution at the time the Allies are ready to return their sovereignty to the German people." The Minister-Presidents drew up a fairly extensive bill of particulars objecting to and rephrasing provisions in the London Agreement regarding the Occupation Statute. While they agreed to consider the *Land* boundaries, it should perhaps be added that they felt strongly that the Occupation Statute should be dissociated from the adoption of the constitution. Furthermore, they felt that in any case the constitution should be ratified by the parliamentary bodies in the several states. These bodies should also elect the members of the Parliamentary Council, rather than have these elected by popular vote, and the constitution ratified by referendum as the London Agreement had stipulated. It is clear that these actions of the Minister-Presidents were taken on the erroneous assumption that the proposals handed them by the Military Governors on July 1 were tentative and based on the authority of the Military Governors themselves. The actual case was that these proposals were based on intergovernmental agreement at the London Conference and hence were, strictly speaking, unalterable by authority of the Military Governors.

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[13] London Conference Recommendations on Germany, Text of Communiqué, *State Department Bulletin*, Vol. XVIII, No. 468, June 20, 1948, p. 807.

[14] See press release issued to correspondents (OMGUS-7-C-2), Berlin, Germany, July 2, 1948, Document 1.

[15] For details of this discussion, see the three important German newspapers, *Die Neue Zeitung* (official American Military Government paper), *Die Welt* (official British Military Government paper), and *Der Tagesspiegel* (leading German-published paper) for this period.

Meeting on July 15, the Military Governors informed the Minister-Presidents that the decisions of the Coblenz Conference were unacceptable inasmuch as they were not in keeping with the London Agreement. They asked them to reconsider their counter-proposals with a view to arriving at a definite conclusion as to whether they wished to accept or reject the main features of the London Agreement. The Minister-Presidents had not realized that they were being given the text of the London Agreement at the July 1 meeting and declared that, had they been so aware, they would have been able to act more intelligently. This is a most interesting point, because a careful examination of the record of the July 1 meeting discloses no specific insistence upon it. Everyone on the Allied side was so fully aware of it that no need was felt for such insistence. However, the Germans had been confused, and they had also been aware of delicate negotiations between the Western Allies and the Soviets with regard to the blockade and had sought to be cautious in all of their actions. But a week later the Soviets had rejected the Allied note, and the Germans, reinforced by the presence of Berlin's anti-Soviet mayor-elect, Reuter, declared themselves quite willing to reconsider the Coblenz resolutions.

The problem then revolved around the very difficult political issue of how to withdraw from the commitments made at Coblenz, which unwisely had been widely publicized in Germany, without giving the appearance of yielding to Allied pressure. It was also a major problem for the Germans as to how far they could go in accepting the procedures provided in the London Agreement since they definitely questioned their wisdom. They hoped that there might be a chance of persuading the Allies to alter their program in some respects such as the referendum and the election of members of the Parliamentary Council. At a later meeting of the Minister-Presidents at Rüdesheim on July 21 and 22, very great difficulties were encountered in making any real changes in the positions adopted at Coblenz, but certain matters were stated in a manner leaving the door open for further negotiations. Thus the expression "Grundgesetz," or basic law, was described as equivalent to a provisional constitution. Election of the representatives to draft this document was still to be by the parliamentary bodies of the several states, but this arrangement was recommended rather than made a condition of acceptance. On the other hand, matters like the question of the popular referendum were left as they had been arranged at Coblenz. Consequently, the reaction at American Military Government headquarters was decidedly unhappy. It was feared that the final meeting of the Minister-Presidents would lead to a breakdown of the negotiations and suspension of all plans for the development of a constitution.

When the Military Governors and the Minister-Presidents gathered for the decisive meeting on July 26 at Frankfurt, it was feared that agreement would not be reached. There were at least two occasions when such might have been the case, but in the end the conflicting viewpoints were reconciled, and certain of the German recommendations for changes were accepted outright as being within the discretion of the Military Governors, such as the terms used to describe the representative body and the document to be framed. Other matters were referred to the governments of the Allies by mutual agreement.

IV. THE OCCUPATION STATUTE AND THE CONSTITUTION

The association of the constitution with an occupation statute was perhaps the least acceptable aspect of the London Agreement from the German standpoint. It was feared by some of the ablest politicians that a popular referendum on a constitution so closely associated with the occupation régimes would seriously jeopardize the chance of its being adopted by adequate majorities. It is important in this connection to realize that the German approach to the Occupation Statute had been quite different from the Allied positions, the idea having originated in the French Zone for reasons associated with the practices characteristic of that zone's occupation forces. Request for a change had been voiced by Carlo Schmid at the Conference of Minister-Presidents in Munich in June, 1947, in terms which were bitterly resented by the French. In Germany, the word *Statut* means by-laws or charter. It was, therefore, as shown in the writings of Professor Wilhelm Grewe of Freiburg University,[16] the original German idea to secure a treaty-like arrangement from the three Western Allies prior to the establishment of a peace treaty and a German constitutional government. The underlying idea was that, without such a negotiating instrument, the German people were not possessed of sufficient sovereignty to establish a constitution. These views were adopted by the party leadership of the Social Democratic party and found a responsive echo in the ranks of the British Labor party. The idea was at first (at the London Conference) strongly opposed by the French, but they were eventually persuaded to go along. This they did not do, however, without first altering the basic frame of reference by (a) insisting that such an instrument be imposed, and (b) that it preserve extensive residual and emergency powers in the hands of the Allies.

As luck would have it, the presentation of the Occupation Statute principles happened to be placed in the hands of the French Military Governor, General Pierre Koenig. Communicated to the Minister-Presidents for their comments in Document 3 on July 1, these principles were very similar to the statute actually furnished the Germans on April 8, 1949, by the Military Governors on the basis of an agreement of the foreign ministers. The statute amounts essentially to a statement of reserved powers, linked with a grant of the remaining legislative, executive, and judicial powers to the German governments, subject to review by the Allies. Foreign relations, foreign trade, reparations, level of industry, decartelization, disarmament, and demilitarization, as well as the protection and security of the occupation forces, are among the major fields. The statute also establishes the principle that the occupation powers are primarily concerned with the maintenance of the constitution. Indeed, it makes them in effect the guardians of the constitution by requiring unanimous approval of any constitutional changes.

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[16] Wilhelm Grewe, *Ein Besatzungsstatut für Deutschland* (Stuttgart, 1948). See also Walter Strauss, "Grundgesetz und Besatzungsrecht," *Frankfurter Hefte*, Sept., 1948. A careful analysis of the German *desiderata* regarding the occupation statute was prepared by the law offices of the German Bizonal Administration, dated Nov., 1948, entitled *Denkschrift . . . zum Besatzungsstatut.*

The Allied principles for an occupation statute aroused the sharp criticism of the Minister-Presidents, who on July 12 formally replied to the Allied proposals. In keeping with the original German conception, they tried to eliminate Allied interference and restrict Allied authority to general supervision rather than control. However, they conceded control in the reserved fields. They made efforts to eliminate any reference in the Occupation Statute to the international authority for the Ruhr. They further urged that instructions be issued only by top-level occupation authorities to top-level German authorities. They tried narrowly to confine Allied veto in the field of German legislation by restricting it to cases when the statutory provisions in question might endanger realization of the objectives of the Allied occupation. They wanted the occupation authorities to limit themselves to "advising, assisting, and observing" as regards the democratization of political and social life and of education. The Minister-Presidents also sought to restrict the jurisdiction of courts of the occupying powers to occupation personnel and to crimes and offenses against the security and property of the occupation powers. They firmly demanded a recognition of universal human rights as well as civil rights and freedoms. They finally addressed themselves to the problem of occupation costs and of services connected therewith and urged that these should be reviewed in terms of available resources. They requested German participation in reparations and restitution procedures. They finally urged the establishment of arbitration or conciliation authorities for the settlement of differences connected with the Occupation Statute. Examination of the statute as finally promulgated readily shows that few, if any, of the German observations or criticisms were allowed to stand. From an American standpoint, it is particularly regrettable that the German position with reference to civil liberties and fundamental human rights was not recognized. The only exceptions are rights of being secure in one's person—judicial protection, especially habeas corpus and the personal freedom to be protected against arbitrary searches and seizures. Even though these are "subject to the requirements of [Allied] security," they constitute a substantial gain. It would, however, have been more in keeping with American democratic objectives if the occupation powers had also given frank recognition to the freedoms of expression, since all three powers have stressed these freedoms in their discussions with the Soviet Union regarding a future German government. To be sure, as far as the Germans are concerned, all civil liberties are firmly anchored in the constitution and will presumably be protected by the Allies; but such provisions do *not* bind the Allies. Yet it will be awkward for the occupation authorities to insist that the Germans respect civil liberties and fundamental human rights if they themselves violate them.

The other major criticism of the Occupation Statute from an American standpoint must be leveled at the failure of the Allied foreign ministers to incorporate provisions for conciliation and arbitration concerning disputed points of the statute. This was very strongly urged by General Clay and other American negotiators. Perhaps the phrases included in the final statute to the effect that the statute will be reviewed within a year made it seem unnecessary to develop elaborate judicial interpretation of its phrasing.[17] Let us hope so.

All in all, the frame of reference established by the Occupation Statute and the procedure adopted in connection therewith leave it an open question whether the occupation of Germany hereafter is an *occupatio bellica* or an *occupatio pacifica*. While formidable arguments can still be advanced for the first alternative, the general development of occupation practice makes this most unrealistic. Certainly all ideas of war and belligerency are subverted if it should be maintained that a belligerent occupation manifests itself in such activities as Military Government's arranging for a large exhibition to sell the products of the occupied "enemy" nation or that it is exercized through each of the occupying powers spending substantial funds to provide opportunity for travel and study for "enemy" nationals. It seems clear beyond peradventure of a doubt that the occupation, if not a peaceful one, is not a belligerent one either. If it is insisted that a pacific occupation can exist only after the establishment of peace through a formal treaty, then some term to designate the intermediate situation must be provided. I should like to suggest that the traditional concept of *occupatio pacifica* be divided into *occupatio pacifica preliminaria* and *pacifica finalis* or *permanens*.[18]

V. IS GERMANY STILL A STATE?

The problem of the Occupation Statute is related to a very perplexing juristic problem which has often been stated as the question: Is Germany still a state? To answer this question in the affirmative has been the inclination of a number of German politicians and scholars who wished to buttress the idea of a persistent German unity in spite of the present division between the Soviet Zone and Western Germany. It is not very clear why they should not have been content to ask: Is Germany still a nation?, and answered in the affirmative. On the other hand, Hans Kelsen has replied that the German state does not exist, and has urged that Allied policy proceed on this basis.[19] British judicial authority has been thrown in the other direction, since the category of an enemy in orthodox international law presupposes a state of which he is a member, and British policy was based upon the assumption that the natives they were dealing with were enemies.[20]

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[17] The German Social Democrats have since thoroughly protested this failure. See *New York Times*, Apr. 21, 1949, and elsewhere.

[18] See Ernst Fraenkel, *Military Occupation and the Rule of Law* (London 1944), and, cf. also Ernst Feilchenfeld, *The International Economic Law of Belligerent Occupation*, Monograph Series of the Carnegie Endowment for International Peace, Division of International Law, No. 6 (Washington, 1942).

This type of discussion is characteristic of a good deal of semantic confusion. Obviously, the matter turns upon what is believed to be the decisive criteria of a state. In terms of Professor Kelsen's definition of a state, it is perfectly reasonable to deny the continued existence of the German state; for certainly no unified legal order was present in Germany in, say, 1947. On the other hand, it should in fairness be admitted that there are quite a few other definitions which would lead to the same conclusion. For example, the classical definition of Jellinek certainly obliges one to deny its continued existence. Any definition which includes the monopoly of armed force in the definition (Max Weber) would likewise oblige one to deny the continued existence of a German state. Certainly, if one were to say, as many do, that "the state is, for purposes of practical administration, the government," he would have to deny the existence of a German state.

But in the last analysis, what matters is not whether what has been in existence in Germany since 1945 is called a "state" or anything else, but to be realistic and clear about the major characteristics of the situation. If that problem is kept clearly in mind, even the "legal implications" of recent developments will not prove entirely unmanageable. Essentially these characteristics are: wherever the four occupying powers could agree upon some general rule, they enunciated it, but left its execution to each power in its own zone of occupation; wherever the Germans could maintain or reëstablish a rule, they applied it within the limits of Allied sufferance; wherever such agreement was lacking, on the Allied or German side, a rule and its application was taken care of by each Ally separately, by the Germans in each *Land* or state separately, except where zonal agreement (or bizonal agreement for that matter) could be achieved. You can call that a state, if you like, just as a mess, such as the Augean stables, can be called a state of affairs if you so desire.

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[19] See his two articles, "The Legal Status of Germany According to the Declaration of Berlin," *American Journal of International Law*, Vol. 39, July, 1945, and "Is a Peace Treaty with Germany Legally Possible and Politically Desirable?", in this REVIEW, Vol. 41, Dec., 1947. Regarding the substantive issues of a German peace settlement connected with this problem, see C. J. Friedrich, "The Peace Settlement with Germany" (cf. footnote 10 above).

[20] See King's Bench Div., *R v. Botril ex parte Küchenmeister.* The issue has been related to the problem of unconditional surrender, which, it is asserted, affected only the German armies, since Doenitz did not have any authority to bind the government and the terms did not refer to political matters. See also G. Sauser-Hall, "L'Occupation de l'Allemagne par les Puissances Alliées," Schweiz; *Jahrbuch f. internat. Recht*, Vol. III (1946), pp. 24 ff. The previous German view that the German state continued to exist was stated by the dean of German international lawyers, Erich Kaufmann, for whose opinions see *Deutschlands Rechtslage unter der Besatzung* (Stuttgart, 1948).

VI. THE PARTY PROGRAMS

Fortunately for Allied policy-makers, the German parties and some German individuals started serious activity on the German constitution soon after the Land constitutions were completed in the American, Soviet, and French zones. Many experienced German democratic politicians had deemed these state or *Land* constitutions premature. As time went on, they also became impressed with the extent to which these constitutions were being discredited in the eyes of the German public by the degree to which basic rights, guaranteed by the constitutions, were being infringed upon by the occupation authorities and troops; arbitrary searches and seizures, interference with freedom of the press, of assembly, and of association continued. It must be recognized that this was true in the U. S. and British zones, though admittedly to a considerably lesser extent than in the French and Soviet zones. To give just one example: the persistent refusals of American Military Government to permit party newspapers were felt to be a wholly unwarranted restriction of the freedom of the press, as were also felt to be unjustified the recurrent searches and arrests of persons considered undesirable for one reason or another by the occupation authorities. Germans also were greatly disturbed by the refusal of American Military Government to authorize legislation clearly called for by articles in the constitutions approved by Military Government authorities, such as the Works Council Law of Hesse and of Bremen. Germans were likewise inclined to feel that the constitutional framework in the *Laender* was being undermined by recurrent arbitrary interference, as they saw it, in legislative processes such as the protracted struggle over civil service and educational reform.

These experiences provided the background for German party reluctance in accepting the responsibility for drafting a constitution. In fairness, it should be said that often this reluctance was greater as a result of the stronger democratic conviction of the person or group involved. Such persons and groups hesitated to go forward with any program of "constitution-making," if there were not offered firm Allied commitments to respect the constitutional authority granted to German legislative, judicial, and executive organs, and similar commitments regarding civil rights and liberties. The failure of the Occupation Statute to do this, as described above, precipitated a sharp "semantic" conflict. German tradition has employed the term *Verfassung* (constitution) largely to designate the fundamental law and organization of a "sovereign" community. In the United States, on the other hand, the word "constitution" has acquired a broader generic sense and is readily applied to any organizational charter, even of non-sovereign bodies, e.g., a university. This difference explains why the Germans have consistently refused to call the organization which the London Agreement envisaged a "state" or its charter a "constitution." While to Allied personnel it often appeared like quibbling over words, German politicians attached the greatest significance to this distinction. In the end, the German party leaders secured from the Military Governors the concession that the "thing" would be called a basic law (provisional constitution). They have since applied to it the work which had been previously done by special committees of the major parties in preparation for a constitution.[21] A detailed analysis of these party programs is not possible here.[22] Suffice it to say that both the Social Democratic and the Christian Democratic programs fitted broadly into the categories agreed upon at London. Both were projects for constitutions for a federal, democratic republic containing firm guarantees of civil liberties. The Social Democratic program was inclined more to stress the central authority than was that of the Christian Democrats. However, it is too often forgotten that even the Social Democrats adopted a more federalistic constitution than that of the Weimar Republic. It also is too often overlooked that the Weimar Republic has always been considered to have been a federal state. As might be expected, to some extent both parties were divided on the issue of the degree of federalism which would be desirable, as is indeed only natural in view of the fluid character of federalism.[23]

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[21] In keeping with this attitude, the Germans also insisted that the body drafting the basic law could not be called a constituent assembly, but must be considered a body of less exalted state for which they proposed the name "Parliamentary Council." The Parliamentary Council was not selected by the people, but by the legislatures of the states, a device which reduces its democratic appeal to the German people.

[22] For the English-German texts of these programs, see the document prepared by Civil Administration Division, OMGUS, entitled *German Constitutional Proposals*, particularly the Ellwangen draft proposal and the draft by Dr. Walter Menzel.

[23] For the general criteria of federalism, see my *Constitutional Government and Democracy* (1941), Chap. XI, as well as Herman Finer, *The Theory and Practice of Modern Government* (1932), Vol. I, Chap. VIII, and Soebei Mogi, *Federalism* (1931).

VII. THE CHIEMSEE MEETING OF EXPERTS, AUGUST 10–23, 1948

The Minister-Presidents decided to appoint a special commission of experts to meet and prepare a constitutional draft, or alternative drafts, which they might submit to the Parliamentary Council (constitutional convention) when it met on September 1. They also, through their Subcommission on the Constitution, decided to draft a model law for the election of representatives to the Parliamentary Council. This draft law was submitted to, and adopted by, each of the parliaments of the states which, under the London Agreement, had final authority in this matter. It is noteworthy that all the *Land* parliaments followed, with very minor modifications, the recommendations of the Minister-Presidents and adopted the model election law. It is noteworthy because it shows the extent to which party discipline will secure uniform results even when formal governmental authority is dispersed among all the states. It foreshadows the impossibility of preventing the Germans from taking uniform legislative action in matters in which they are agreed, merely by insisting that the action be confirmed in the several *Land* parliaments.

The Experts' Commission met at the invitation of the Bavarian government on an island in Lake Chiemsee near Munich from August 10 to 23. The gathering consisted of eleven main delegates, one from each *Land*, commonly the minister of justice or the minister of the interior, and one or more deputy delegates, usually ranking officials of these ministries. According to all accounts, the experts worked in an objective spirit free from party antagonism. Indeed, the matters on which they split resulted not from party divisions, but from genuine disagreement dividing the members regardless of party. They decided not to deal with political questions unless they were unanimous, but to leave such to the Parliamentary Council. Their eventual report, quite an impressive document,[24] sets forth an actual draft constitution, with alternative articles proposed for matters under controversy whenever possible. This report was approved by the Minister-Presidents and submitted to the Parliamentary Council for its consideration and guidance. It is significant that the experts agreed unanimously that the constitution to be drafted should be a German one, and that they rejected the idea of a Western state in favor of a union of German states which should eventually encompass all of Germany. By accepting the report of the experts, the Minister-Presidents confirmed the decision to go forward with the program of developing a German constitution and government.

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[24] See Verfassungsausschuss der Ministerpräsidenten-Konferenz der Westlichen Besatzungszonen, *Bericht über den Verfassungskonvent auf Herrenchiemsee, vom 10. bis 25 August 1948.*

VIII. THE START AT BONN

The Parliamentary Council gathered at Bonn on the appointed September 1. At the request of their governments, the Military Governors were not present, but were represented by some top-level staff personnel. This was done in part to reinforce the idea that this was a German, not an Allied, undertaking. Symbolically, the Allied officials present were placed in a corner and the main space of the hall occupied by the German delegates themselves. The opening session was dramatically highlighted by an attempt of one of the two Communist members, Max Reimann, the leader of the Communist party in the British Zone, to secure an adjournment. This move was defeated by 65 to 2, although it was Reimann's argument that the work of the assembly was likely to interfere with delicate negotiations among the great powers. It can be said that this vote of 65 to 2 confirmed the overwhelming desire of the German people to get on with organizing a government in those relatively free parts of the country where it was possible to do this in a democratic manner. Reimann's resolution was put in conjunction with a resolution proposed by the SPD to seat the five delegates from the city of Berlin and to accord them a consultative voice in the assembly's work. They were so seated by the vote of 65 to 2. After elaborate behind-the-scenes discussions, the assembly unanimously elected Dr. Conrad Adenauer president, thereby giving the key leadership to a seasoned, conservative politician who is well known for being partial to the development of a West German government and a European federation into which such a government might be fitted.

IX. THE MAJOR ISSUES

1. *Between the Allies.* While there had been broad agreement at London on the terms of the German constitution, it was quite clear by the end of August, if not before, that considerable disagreement among the three Allies continued to exist. Broadly speaking, the Americans and French were inclined to favor a marked federalist position, while the British were satisfied that even a centralized federal structure, such as was advocated by the Social Democratic party, ought to be acceptable. To some extent, this argument turns upon one's view as to what constitutes "adequate central authority" as provided for in the London Agreement. There were also differences concerning the timing and rate of progress. The Americans were most inclined to urge dispatch, while the French were encouraging the Germans to take their time. The British took an intermediate position, but, being traditionally skeptical regarding written constitutions, they too were inclined to slow down the process. Eventually these disagreements between the Allies on the trend

which the German thought seemed to take persuaded the Military Governors to issue an *Aide Mémoire* on November 22, 1948, in which they embodied key points on most of which they had previously received guiding instructions from their governments.

Disagreements between the Allies during this period were pointed up by corresponding differences in connection with the Occupation Statute. The issue of federalism injected itself into the Occupation Statute in connection with the problem whether the federal government, or the *Laender* too, should be responsible for the occupation costs.

2. *Between the Germans.* Major issues plaguing the Germans can be clearly seen from the document issued by the commission of experts which deliberated at Chiemsee. The document clearly reflects some of these differing opinions, and in some cases alternative plans were formulated. Among the more important issues were the following: (1) Whether Germany continues to be a state. (2) The problem of the flag. (3) Whether to include Berlin. (4) Legislative authority and its division between the federal government and states. (5) Financial competency of the federal government and the states (*Laender*). (6) Whether to make the upper house of the legislature a true senate or a council in the German tradition. (7) Whether to have a president, and if so, how much power to delegate to him. (8) How to prevent frequent cabinet changes. (9) Whether to provide for judicial review of legislation. (10) Whether to continue the German tradition of delegated administration of federal legislation. (11) How to organize fiscal administration. (12) The problems resulting from the discontinuance of German government after unconditional surrender.[25]

X. THE GERMAN PRELIMINARY PROPOSAL OF FEBRUARY, 1949

In order to test Allied intentions, the German Parliamentary Council, through its executive committee, submitted a constitutional draft completed on February 11, 1949. The body requested that the Military Governors comment on the draft, so that they might be guided by such comments before putting the draft to a final vote in the plenary session. Whether this was a shrewd move may be doubted. It unquestionably precipitated a series of issues, but it made it easier for the Allies to object and thereby get involved in constitutional detail. However, this is speculative, and perhaps they were wise in not subjecting themselves to the humiliation of having to alter a completed constitution in accordance with Allied wishes. In their comments on March 2, 1949, the Military Governors laid stress on deviations from the above-mentioned *Aide Mémoire* as well as the London Agreement. Whether some of these alleged deviations could, in fairness, be insisted upon must be left undecided until a study of the full documentary evidence can be made. In any case, the Military Governors questioned the extent of the legislative authority assigned to the federal government, objected to even the very limited and scarcely adequate emergency powers, criticized the decision to vest superior fiscal authority in the federal government, questioned whether the independence of the judiciary had been adequately taken care of, expressed concern regarding the possible expansion of federal administrative authority, requested clarification of the civil service, reiterated belief that unless *Land* boundaries were rectified before the constitution was adopted none could be changed prior to a peace treaty, and finally suspended the inclusion of Berlin under the constitution. More specifically, the Military Governors undertook to state in detail their desires as to the formulation of several articles which were highly controversial among Germans. Contrary to previous policy declarations, they suggested that in a large number of fields the states should have legislative priority, even including such matters as civil law, criminal law, ocean shipping, and all economic legislation. They also specifically prescribed formulations for the exercise of financial authority by the states.

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[25] These points are taken from the actual report submitted by the Minister-Presidents on the basis of the Expert Commission's work, as cited in the preceding footnote. The report is reproduced in a document published by Civil Administration Division, OMGUS, entitled *German Constitutional Proposals* (undated), page 139 ff., under the title "Entwurf eines Grundgesetzes (Herrenchiemsee)."

These suggestions went far beyond any previous interference in the constitution-making process, subverted the previously announced policy of the London Agreement of leaving constitution-making to the Germans within very broadly defined categories, and actually disrupted the tenuous compromise between the SPD and CDU which was vital for the adoption of any constitution. The belated declarations by Generals Clay and Robertson that these comments were merely intended to suggest broadly the direction which they desired German changes of the constitution to take, while undoubtedly well-intended, did not succeed in undoing the damage done. The Military Governors also rejected the proposed electoral law and insisted that an electoral law would have to be made for each separate *Land*.[26] German reaction to these comments was decidedly adverse, and further counter-proposals were put forth on March 17, which in turn were considered unacceptable by the Military Governors, though they did in fact compromise and seek to find a way out of the difficulties precipitated by their comments. General agreement was thereafter reached by the foreign ministers in Washington; but their willingness to make concessions on the constitutional issues was not communicated to the Germans until April 22. Two days later, the Germans reached a new compromise which was agreed to by the Military Governors on the 25th;[27] and in this final compromise appeared some substantial alterations in the constitutional structure.[28]

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[26] For the full text, see *Die Neue Zeitung* (official American Military Government paper), Mar. 4, 1949, p. 2.

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[27] See *New York Times*, Apr. 26, 1949, p. 1.

[28] This article will be concluded in the August issue with a discussion of the constitution as finally agreed upon. MAN. ED.

AMERICAN GOVERNMENT AND POLITICS

THE SECOND SESSION OF THE EIGHTIETH CONGRESS

(January 6–December 31, 1948)

FLOYD M. RIDDICK

Senate Editor, Daily Digest, Congressional Record

The second session of the Eightieth Congress was convened under unusual circumstances: the Republicans controlled the Congress, the Democrats the presidency and administration, and both the President and Congress faced a national election.[1]

In response to this situation, the majority party at times conducted itself in both houses as if a congressional and presidential Republican victory in the approaching election were a certainty; particular members of the Democratic party in each house were frequently outspoken in their opposition to electing President Truman as the next president; both parties performed on occasions as if bidding against each other for votes in the coming election; and a number of representatives and senators were concerned with the outcome at the national conventions. This condition was evidenced when the spokesman of the Senate Democrats, Senator Barkley, on the closing night just prior to the Republican convention had the following to say:

> " . . . I understand hope has been abandoned of getting a housing bill, but I have been told tonight that the Republican moguls in Philadelphia have sent word down here that we are not to adjourn until a housing bill is passed—just anything that has got a house in it.
>
> "Senators recall having read that one of the great English kings on an historic occasion shouted, "A horse! a horse! My kingdom for a horse!" And so the Senator from Ohio, and the Speaker of the House of Representatives, and the majority leader of the House, and the chairman of the Committee on Banking and Currency of the House are shouting, "A house! a house! My candidacy for a house!"[1a]

The Republicans, on the other hand, accused the President of playing unfairly with Congress by recalling it into session in August, 1948. It was asserted that the President did this in pursuance of an announcement he had made in a bitter partisan speech from the rostrum of the Democratic national convention. It was the first time since 1856 that a special session had been called in an election year.

In spite of party maneuvering, however, neither the House nor the Senate during the Eightieth Congress showed too much party unity. In spite of the fact that one-third of the senators and all of the representatives were seeking reelection on their respective party tickets, very few of them voted every time during the Eightieth Congress with the other members of their respective parties. An analysis of the yea and nay votes discloses that only four House Republicans and one House Democrat hewed to the party line one hundred per cent. No senator of either party had a hundred per cent record. The *Congressional Quarterly* published the following findings:[2]

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[1] The first session of the Eightieth Congress opened with the following political composition: Senate—Republicans, 51, Democrats, 45; House—Republicans, 246, Democrats, 188, American Labor, 1. Shortly before the close of the second session, the composition of the Senate remained unchanged and the House membership was: Republicans, 245, Democrats, 185, American Labor, 2, and vacant, 3.

[1a] *Cong. Rec.*, 80th Cong., 2d sess., p. 9429—hereafter cited as *C.R.* 80-2.

	House		Senate	
VOTED WITH PARTY	Rep.	Dem.	Rep.	Dem.
90% or more	147	73	29	12
75 to 89%	84	69	16	18
50 to 74%	10	40	4	13
less than 50%	1	3	2	2
TOTAL	242	185	51	45

Organization. The political and organizational structure of the House and Senate for the second session was practically unchanged from that of the first.[3] The leadership remained the same. There was not a single exception among the chairmanships of Senate standing committees; there was only one in the House: Alvin F. Weichel of Ohio became chairman of the Merchant Marine and Fisheries Committee following the death of Fred Bradley of Michigan.

Procedure: General Aspects. Technically, the Congress was in session from January 6 through December 31, 1948; actually, the Senate sat 114 days and the House 110; or the Senate 653½ hours and the House 538 hours. This compares with the first session as follows: the Senate was then in session 143 days, or 807½ hours; the House, 144 days, or 686 hours. During the first session, the Senate passed only 841 bills and resolutions, while the House passed only 1,029. During the second, the Senate passed 1,071 bills and resolutions and the House 1,191. Thus, though the second session was shorter than the first, more bills and resolutions were enacted.

The legislative proceedings in the two chambers printed out 10,483 pages of the *Congressional Record*.[4] Of this sum, the Senate consumed 5,353 and the House 5,130—comparing with 11,889 pages for the preceding session divided into 6,150 pages for the Senate and 5,739 for the House. Speeches, articles, editorials, and other matter never delivered in either house, but incorporated under leave to print, involved 5,643 pages of the appendix.

Senate Procedure. The procedure of the Senate was much the same as in the last several sessions. The attendance was not too good;[5] proceedings were delayed on various occasions until a quorum could develop—with the assistance of the secretaries to the majority and the minority, and in a few instances the sergeant-at-arms.

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[2] *Congressional Quarterly*, "Log for Editors," Aug. 20, 1948, p. 587.

[3] See this REVIEW, Vol. 42 (Aug., 1948), p. 677.

[4] This includes proceedings on Dec. 31, 1948.

[5] At. p. 2032 of the *C.R.* 80-2, Senators Fulbright and Barkley had the following to say: "Mr. FULBRIGHT. I merely wish to add one comment. I was very anxious to hear the opening address of the Senator from Michigan, but the Committee on the Judiciary was in session, and the committee could not be dismissed until a considerable time after the Senator from Michigan started. That is a very common occurrence. I wanted to be in both

The proceedings leading to adoption of the conference report on S. 2655, Selective Service Act of 1948, were most unusual. They disclosed the senators' insistence on fair play and the right of each senator to be heard at his pleasure before final action on a measure. On this occasion, the proceedings were instigated on June 18, when a motion was made that the Senate agree to a conference asked for by the House. The motion was debated all that night (Friday) and part of the next day. In the meantime, unofficially, conferees had been working out a compromise on the Senate- and House-passed versions of the bill. Early Saturday morning, when Senator Taylor, who had been occupying the floor, transgressed the rules by reading statements reflecting on the integrity of senators, he was forced to take his seat by point of order. Immediately, the motion was "gavelled" through and conferees officially appointed. After a brief colloquy, the temporary presiding officer "gavelled" through the adoption of the report,[6] to be called down by several senators. Finally, the decision of the chair that the report had been adopted, which took place while two senators were seeking recognition, was set aside at the insistence of several senators to the effect that a senator who had been trying to gain recognition had been "denied the exercise of his rights on the floor." Later, the report was readopted after Senator Taylor, who had been trying to get recognition, had been recognized and had spoken briefly.

On May 27, the Senate, by a vote of 34 to 39, overruled the decision of the chair and sent S. Res. 245, providing for investigation by the Committee on Interstate and Foreign Commerce of Voice of America broadcasts, to the Committee on Foreign Relations. The chair had previously stated that his action "is purely a mechanism for the purpose of letting the Senate itself decide—the chair rules, without prejudice to anyone or to any committee, that the resolution should be referred to the Committee on Expenditures in the Executive Departments. That ruling is subject to appeal, and an appeal is subject to debate."[7]

In that conflict, the presiding officer had the following to say: "This is another of those very difficult situations which arise under the language of the Reorganization Act. In this instance at least three committees of the Senate could certainly sustain a color of right to consider the resolution. One of them is the Committee on Foreign Relations. Another is the Committee on Expenditures

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places, I may say to the Senator from Kentucky, and I tried to make a point of order, but I could not make a point of order because the chairman said he had permission to sit during the session of the Senate. That goes on day after day. But what can we do about it? Mr. BARKLEY. I merely want to say that I am not criticizing Senators for making a choice between attending a session of a committee or the session of the Senate. I am saying that the practice of giving consent that Senate committees may hold hearings or have meetings while the Senate itself is in session has had a very bad effect on senatorial attendance upon the sessions of the Senate itself."

[6] *C.R.* 80-2, pp. 8963–9136, 9137–9171.

[7] *C.R.* 80-2, p. 6729.

in the Executive Departments. The third is the Committee on Interstate and Foreign Commerce. . . . Unfortunately, under the Reorganization Act, which in this respect is quite contrary to the previous rules of the Senate, the only way the chair can submit the question to the Senate is to make a tentative reference in the first instance and then invite an appeal if the Senate disagrees with the reference. Therefore, solely for the purpose of initiating the process of permitting the Senate to decide, the chair will make a tentative reference, which will be made without prejudice, and with the distinct understanding that, so far as the chair is concerned, he is merely embracing a mechanism for the purpose of allowing a free decision in the Senate."[8]

On May 4, Senator Fulbright attempted to get H.R. 2245, repealing the oleomargarine tax, placed on the calendar without referring it to committee. This had been done in the case of H.R. 5992, to quiet titles to tidelands and lands beneath navigable streams. Under Senate rules, this procedure is possible following the second reading of a bill if objection is made to further proceedings, provided a question of reference is not raised. When a question of reference is raised, the presiding officer must make the reference, from which decision an appeal can be taken. In this case, Senator Fulbright lost in his attempt by a vote of 15 yeas to 56 nays. The chair then referred the bill to the Committee on Agriculture and Forestry, from which decision an appeal was taken.[9] By a vote of 30 yeas to 47 nays, the chair was overruled and the bill was referred to the Committee on Finance.

In the case of the President's Reorganization Plan No. 1, the Senate Committee on Labor and Public Welfare, by a vote of 9 to 4, adversely reported H. Con. Res. 131, expressing disapproval of the President's Reorganization Plan transferring USES and the Bureau of Employment Security to the Department of Labor, with functions of the FSA in both cases transferred to the same department. On March 16, the Senate voted to reverse its committee by 58 yeas to 25 nays, adopting the resolution disapproving the plan.[10]

In the case of S. 1393, to increase the permitted rate allowance and compensation in relation to veterans' subsistence grants, the bill passed both houses; it was sent to conference, and the conferees agreed upon a report. In the Senate, a point of order was raised against the report on the ground that it included matters not contained in the House- and Senate-passed versions of the bill. The point of order was debated several days, and then the proceedings were vacated and the Senate disagreed to the conference report. Immediately following this, the Senate agreed to the House amendments to the bill, with amendment, and sent the bill back to the House for its concurrence. The House concurred. As thus cleared, the bill contained the exact recommendations of the conference committee, but not through conference technique. The senator making the point of order said in effect that he was not against the contents of the legislation, but against the process, i.e., legislation by conferees.[11]

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[8] *C.R.* 80-2, p. 6728.

[9] *C.R.* 80-2, pp. 5349–5370, 5379–5381; also pp. D437–438.

[10] *C.R.* 80-2, p. D245.

[11] For details, see proceedings of April 2 through April 15.

In the latter part of the session, the chair held that the clôture rule did not apply to a motion to consider a particular piece of legislation. This decision was made in connection with an attempt to call up H.R. 29, the anti-poll tax bill. The scope of the rule, as stated by Senator Vandenberg, president *pro tempore*, is limited to "debate upon any pending measure" at the time the motion is filed. A resolution (S. Res. 25) to extend the clôture rule to include procedural motions and amendments to the *Journal* was reported by the Senate Committee on Rules and Administration during the first session, but the resolution was not acted on by the Senate.

House Procedure. Of the total 1,191 bills and resolutions passed by the House, only a small percentage were controversial; most of them were disposed of under a special procedure. To illustrate: 415 were private bills and were passed under Private Calendar procedure, without objection, which is in order on the first and third Tuesdays of each month. Consideration of bills on the Private Calendar can be blocked by two objections when they are called the first time, an action which automatically recommits them to the committee of origin. The committee may then report them again in an omnibus bill and have them reconsidered on their merits under a majority vote procedure. Very few private bills, however, are passed under this procedure.

A total of 401 bills were acted on under the call of the Unanimous Consent Calendar, which business is in order on the first and third Mondays of each month. This procedure is also under unanimous consent, and when a bill is called up a second time, three objectors are required to block its consideration; if three objections are forthcoming, the bill is automatically stricken from that calendar. Hence, these two procedures (used for passing 816 of the 1,191 bills passed during the session) actually consumed very little of the House's time, and these bills were so non-controversial that they were passed without objection on not more than four days of each month as defined by the two rules. Bills on these two calendars are called in the chronological order reported, without any delay.

The other 375 bills, considered under other procedures, actually composed the program which occupied the House during most of the session. Falling in this category were all bills passed under suspension of the rules, on District of Columbia day,[12] under unanimous-consent procedure, and under special rules reported by the Rules Committee.

During the second session, Calendar Wednesday business was not invoked a single time. A total of 26 bills were passed under suspension of the rules, but nearly all of these were passed on three days—June 18, August 5, and August 7. A considerable number of the 375 bills and resolutions were called up and disposed of as privileged business in pursuance of the rules which specify that particular kinds of legislation are privileged for immediate consideration under certain conditions. Still others were called up and disposed of under unanimous-consent procedure when the speaker recognized representatives for that purpose.

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[12] District of Columbia bills are generally non-controversial, and pass after a minimum of consideration. Perhaps over 100 such bills were passed during the session.

Forty-seven of the 375 bills were called up under special rules reported by the Rules Committee and adopted by a majority vote of the House. An analysis of all the special rules acted on by the House during the session gives the following picture: a total of 73 special rules (simple House resolutions) were reported, of which 56 were adopted, 10 laid on the table when bills for which they provided consideration were passed under some other procedure, and 7 were left pending on the calendar at the close of the session.

Of the 56 rules adopted by the House, 47 provided for the immediate consideration of the same number of bills or resolutions and 9 involved special situations as follows: two rules provided for suspension of rules and consideration of business or a recess at any time for the remaining few days before the end of each of two portions of the session; three waived points of order against the same number of appropriation bills; and four cleared the way for House agreement to Senate amendments to four House bills.

Of the 47 resolutions to call up the same number of bills, 29 were merely open rules clearing the way for 29 non-privileged pieces of proposed legislation, and 18 provided for immediate consideration and waived points of order against the same number of bills; all provided for a definite period of general debate,[13] which time was equally divided between the majority and the minority; 43 provided for reading the bills for amendments under the 5-minute rule; 4 stipulated that the bills should be considered as having been read for amendments;[14] and 6 authorized substitutes to be offered for the bills.[15]

Of the 53 bills[16] considered under special rule, 42 became public laws, 9 died in the Senate, 1 died in the House, and 1 was a concurrent resolution which was approved by both houses.

Ten motions to discharge committees from further consideration of bills were filed, but only one received the necessary 218 signatures for entry on the Discharge Calendar.[17] This bill (H.R. 2245), to repeal the oleomargarine tax, was passed by the House under the discharge procedure on April 28, 1948, and was reported in the Senate; but it never became law.

Legislative Procedure. A total of 838 laws were enacted, of which 511 were public and 327 private.[18] These figures show an increase over those for the first session.[19] The House passed 1,191 bills and resolutions, and the Senate 1,071.[20] Eighty bills and resolutions, after having passed the two houses in substantially different form, were sent to conference, and all of these were finally cleared for the President's signature. Conferees actually filed 74 reports.

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[13] Of the 47, a total of 21 provided for one hour general debate each, 15 for 2 hours each, 5 for 3, 3 for 4, 1 for 5, 1 for 15, and 1 for 2 days.

[14] Three of these were then open for committee amendments only and one was not open for any amendments.

[15] Two authorized the substitution of House language for that of the Senate.

[16] Two of the rules were blanket in nature, authorizing suspension of the rules or recess during the remainder of the session, and two provided for consideration of one bill (H.Res. 450 and H.Res. 510).

[17] *C.R.* 80-2, pp. 4181–4182.

[18] Two private laws were included under one number: Private Laws 394 and 394-A.

Of the 1,191 bills and resolutions passed by the House in the second session of the 80th Congress, only 98 were debated by that body for 3 or more printed pages of the *Record*; of the 1,071 bills and resolutions passed by the Senate, only 70 were debated for 3 or more pages. Of the 70 measures thus debated by the Senate, 3 involved over 300 pages each. The measure debated at greatest length in the Senate and House was the ECA Act (S. 2202), the so-called Marshall Plan, which ran for 12 days in the Senate and printed out 430 pages of Senate proceedings; it occupied the House for seven days, consuming 289 pages of the House proceedings. The second longest-debated bill was the Selective Service Extension (S. 2655), which occupied the Senate 10 days, taking up 363 pages of its proceedings, and the House 3 days, involving 152 pages of its proceedings.

Appropriations. Twenty-two regular, supplementary, deficiency, emergency, and specific appropriations bills, involving $32,702,586,222 of direct appropriations, were enacted; this compares with $30,130,712,139 appropriations during the previous session. The budget estimates on which these appropriations were based totaled $35,476,595,490. The bills involved contract authorizations totaling $3,949,261,249, based on budget estimates of $3,000,349,750.[21]

Both houses approved the Legislative Budget, as embodied in S.Con.Res. 42, which provided that revenues during the fiscal year 1949 should approximate $47.3 billions, and that expenditures during the same fiscal year should not exceed $37.2 billions, of which not more than $26.6 billions should be in consequence of appropriations afterwards made available for obligations in that fiscal year. That action, however, had little or no effect on expenditures during the year. Occasionally some lip service was paid to these ceilings, but many leading representatives and senators felt that the legislative action was only a futile gesture.

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[19] During the first session, 526 laws were enacted, of which 395 were public and 131 private.

[20] Each chamber played a more important rôle in legislative activity than these figures show. Of the 1,191 measures passed by the House, 624 were House bills, 289 Senate bills, 34 House joint resolutions, 24 Senate joint resolutions, 32 House concurrent resolutions, 12 Senate concurrent resolutions, and 176 House resolutions. (In the first session of the 80th Congress, 1,029 measures were passed.) During the second session, 2,903 bills and resolutions were introduced in the House, of which 2,332 were House bills, 164 House joint resolutions, 96 House concurrent resolutions, and 311 House resolutions. (In the first session, 5,658 bills and resolutions were introduced in the House.) House committees made 1,245 reports.

Of the 1,071 measures passed by the Senate in the second session, 358 were Senate bills, 532 House bills, 28 Senate joint resolutions, 29 House joint resolutions, 17 Senate concurrent resolutions, 31 House concurrent resolutions, and 76 Senate resolutions. (In the first session, 841 measures were passed.) During the second session, 1,217 bills and resolutions were introduced in the Senate, of which 1,021 were Senate bills, 71 Senate joint resolutions, 26 Senate concurrent resolutions, and 99 Senate resolutions. (In the first session, 2,312 bills and resolutions were introduced in the Senate.) Senate committees made 968 reports. For tabulation of these data, see Daily Digest of *Record*, p. 791, and daily *Record* for December 31, 1948.

[21] See also *Appropriations Estimates*, etc., by Everard H. Smith and George Y. Harvey, clerks to Senate and House Appropriations Committees, pp. 1–1000 (S.Doc. 205, 80th Cong.), for a detailed breakdown of all appropriations.

Under the circumstances, Congress was faced with no easy task in placing any limitations on Administration expenditures. After the budget was submitted, endless requests for deficiency and supplemental appropriations were submitted, and the Administration did all that it could to get the funds appropriated. To illustrate the kind of pressure exerted: Secretary of the Treasury Snyder, in Newark on February 19, 1948, stated that "any cuts in the [1949] budget will be difficult if we are not to jeopardize our national defense, ignore our national welfare, or threaten our efforts to attain world peace."

Funds for the Bureau of Reclamation were given unusual consideration. The Central Valley Project of California was the main cause of conflict. Michael W. Straus, commissioner, and Richard I. Boke, regional director in California, both of the Bureau of Reclamation, were charged with usurping congressional powers by arbitrarily handling and administering funds for the Central Valley Project as they saw fit, without regard to policy laid down by Congress. Finally, after a long investigation, Congress approved a provision, which became a part of Public Law 841 of the Eightieth Congress, for removal of Mr. Straus and Mr. Boke from their offices: from January 31, 1949, onward, no person might hold the position of commissioner, assistant commissioner, or regional director who was not a qualified engineer with a minimum of five years' training. Since the two men could not meet this qualification, they could not retain their positions.

Investigating Committees. Activities of special investigating committees were not particularly significant. In fact, there were very few such committees. The *Directory* listed 3 for the Senate,[22] and 6 for the House.[23] Except for one House group, all were carry-overs from the first session. Many resolutions were adopted to provide funds for investigations or to authorize some subcommittee of a standing committee to undertake a particular study. This, however, was the pattern sought for in the 1946 Legislative Reorganization Act.

The Senate as a Council. Nominations received by the Senate during the year totaled 26,084, of which 14,941 were confirmed, none rejected, 21 withdrawn, and 11,122 left unconfirmed at the close of the session.[24] This was the second largest number of nominations ever submitted during a single session. The nominations presented practically no controversy; not a single one of them provoked any lengthy debate; only one or two were debated at all.

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[22] Special Committee to Investigate the National Defense Program; Special Committee to Study Problems of American Small Business; and Special Committee on Reconstruction of Senate Roof and Skylights and Remodeling of Senate Chamber.

[23] Special Committee on Reconstruction of House Roof and Skylights and Remodeling of House Chamber; Select Committee to Conduct a Study and Investigation of the Problems of Small Business; Select Committee to Conduct a Study and Investigation of All Matters Related to the Need for Adequate Supplies of Newsprint, Printing and Wrapping Paper, Paper Products, Paper Pulp, and Pulpwood; Select Committee on Foreign Aid; Select Committee to Investigate Transactions on Commodity Exchanges; and Special Committee to Investigate Campaign Expenditures.

Treaties took very little of the Senate's time. The President submitted 13 such, and 8 were ratified. Not one provoked any real debate; and the same was true in the case of four others ratified, but sent up in previous sessions. The list related to coffee, a telecommunication convention, sugar, Italian friendship and commerce, 5 on double taxation (2 with France, and one each with Denmark, the Netherlands, and New Zealand), Norway claims, a labor convention, and the Philippines.

Congress and the Administration. As in the first session, the President and Congress were not of the same political faith, and at times they were at dagger points. Five vetos were overridden—the largest number on record in any one session. Bills thus becoming law included (1) reduction of the individual income tax, (2) exclusion of newspaper vendors from the social security system, (3) a FSA appropriation bill, (4) freezing social security pay-roll taxes, and (5) the so-called carrier agreements act.[25]

In the field of our foreign policy, the President and Congress worked on a bipartisan basis, and the President to all intents and purposes got what he proposed,[26] except in the case of his recommendations on displaced persons and arms sales to friendly countries. In some other fields he was not so successful.

The President's program was submitted to Congress in various documents: the state of the union message,[27] the budget message for the fiscal year 1949,[28] the President's Economic Report,[29] message to Congress in joint session on July 27, 1948,[30] together with approximately 25 special messages on specific matters sent to Congress during the session. Some of his proposals were adopted in the form recommended or in modified form; others were given little consideration or entirely ignored.

In the first category came such matters as: federal aid to highways,[31] War, Assets Administration,[32] Second Decontrol Act of 1947,[33] the Marshall Plan, incorporated in the Economic Coöperation Act of 1948,[34] aid to Greece and Turkey,[35] and appropriations for school lunches.[36]

In the second category fell such measures as: first peacetime draft (Selective Service) instead of U.M.T.,[37] Reciprocal Trade Agreements extension,[38] inflation control,[39] a modified form of housing and rent control until April 1,

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[24] The Republican leadership announced its policy of definitely delaying action on nominations in anticipation of the election of a Republican president.

[25] Public Laws 471, 492, 646, 642, and 662.

[26] This was true in case of aid to Greece and Turkey, Voice of America, aid to China, European Recovery Program, $350 millions for foreign relief, and various international agreements.

[27] H. Doc. 493.

[28] H. Doc. 456.

[29] H. Doc. 498.

[30] H. Doc. 734.

[31] P.L. 834.

[32] P.L. 862.

[33] P.L. 606.

[34] P.L. 472.

[35] P.L. 472 and 793.

[36] P.L. 712.

[37] P.L. 759.

[38] P.L. 792.

[39] P.L. 905.

1949,[40] secondary market for G.I. Housing Loan,[41] and a coördinated long-range farm program.[42]

In the last category (proposals which Congress considered but failed to enact, or refused to consider) fall such matters as: the ten-point civil rights program—including FEPC and racial equality; statehood for Hawaii and Alaska; the wheat agreements proposal; social security extension; U.M.T.; labor extension courses; housing; increase of old age and survivors insurance; TVA steam plant; health program; federal aid to education; conservation and use of natural resources; new labor law; D.C. home rule; and a multitude of other specific or suggested proposals.

Speeches in both chambers, special reports, and reports of the House and Senate committees accompanying the appropriation bills urged curtailment of the expenditures of various administrative agencies. Moreover, the activities of some agencies were severely criticized, as was the case of the "Voice of America" program; nearly a whole day's sitting of the Senate was devoted to criticism of that program.

During the session, President Truman vetoed 43 bills and resolutions, of which, as indicated above, 5 became law over his veto. Fourteen vetoes were of the pocket variety.

SOME NOTES ON PARTY MEMBERSHIP IN CONGRESS, II*

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The progressive movement developed for the campaign of 1924 into La Follette's Progressive party operating as a third party, with many of the progressive Republicans giving it active support and thereby bolting the Republican nominee, President Coolidge; and immediately following the election, won easily by the Republican party, the Republican leaders began to suggest punishing the bolters by treating them, in respect to committee assignments, as members of a third party and no longer as Republicans, and thus depriving them of their seniority on committees, a privilege which had put many of them in good positions. Senator Watson (Indiana), who became chairman of the Republican Committee on Committees in the Senate, indicated that "Senator La Follette and all those who read themselves out of the party" would lose their present committee places in the new (69th) Congress and would be given places according to their new party strength; Senator Moses (New Hampshire), slated for president *pro tem.* of the Senate, said: "Senator La Follette has gone out of the Republican party and has gone voluntarily. He has headed the national ticket of a new party which he undoubtedly hopes to perpetuate. Therefore it seems to me wholly within reason that we should assume that La Follette has abdicated his Republicanism in the Senate on the same footing as Senators Shipstead and Johnson of Minnesota, who are carried on the roll as representing the Farmer-Labor party, and who have received their committee assignments at their own requests, although these assignments have been charged up to the Republican allotment of committee memberships"; and Senator Smoot (Utah), vigorously denying a report that he was disposed to be lenient with the bolters, not only agreed with Watson and Moses, but claimed that he had been the first to state that position publicly, and added: "I have stated publicly many times that I was tired of senators claiming to be Republicans and were such only one day in six years, and that upon election day."[39] It became well understood that the senators thus threatened with discipline were particularly La Follette, Frazier and Ladd of North Dakota, and Brookhart of Iowa.[39a]

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[40] P.L. 464. [41] P.L. 864. [42] P.L. 897.

* The final instalment of these "Notes" will appear in August. MAN. ED.

When the Republican Senate caucus met, on November 28, Senator Ernst (Kentucky) pressed a resolution declaring La Follette and the other men ineligible for their existing committee assignments, but the caucus, after warm debate, went even further and overwhelmingly adopted a resolution offered by Senator Reed (Pennyslvania) declaring it to be "the sense of the conference that Senators La Follette, Ladd, Brookhart, Frazier, all of whom were conspicuous in the Third Party movement or otherwise hostile to Coolidge, be not invited to future Republican conferences, and be not named to fill any vacancies on Senate Committees." In the consideration of these resolutions, Senator Edge (New Jersey) probably put the case for the regulars most strongly when he said: "It must be obvious that a Senator cannot make every effort to defeat and destroy a party and at the same time participate in its conferences. I do not question Senator La Follette's right to head a new party, but, in my judgment, that clearly disqualifies him for membership here." Edge also made it clear that this expulsion need not necessarily be permanent, that those who strayed away from the party might be permitted to return if they were properly converted. "History records many such conversions," he said, "but the Senator's case is not in any way parallel. . . . Just why we should insist on anyone being considered a Republican who clearly indicates his opposition to a party that has just won a decisive and convincing victory is a comedy."[40]

Several Republican senators opposed the caucus action, however, including Norris and Howell of Nebraska, Cummins of Iowa, Borah of Idaho, Harreld of Oklahoma, and probably others. Harreld apparently felt that La Follette should have been expelled, and therefore opposed the resolution; Cummins pointed out that he himself had supported the Roosevelt Progressive party ticket in 1912 and would have been subject to a similar penalty under this resolution; Norris called the action "a fine piece of vaudeville," reminded the caucus that the Republicanism of the senators concerned had been passed upon and certified by the voters of their states, that Theodore Roosevelt, once a bolter, was now one of the party idols, and that even such Republicans as Taft and Hughes had openly bolted their own party nominee for mayor of New York, and said: "It is a silly thing when any set of men without any sort of authority set themselves up to judge the political conduct of their equals. They believe this resolution reads four men out of the party, but it actually reads out all of the hundreds of thousands of voters who supported them."[41]

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[39] Quoted in *Chicago Tribune*, Nov. 17, 1924, p. 14.

[39a] Norris (Neb.) also supported La Follette but did not actively campaign for him, and possibly for that reason was not threatened with party discipline. See his autobiography, *Fighting Liberal*, p. 286; and MacKay, *The Progressive Movement of 1924*, pp. 195–196.

[40] *N. Y. Times*, Nov. 29, 1924, p. 1, c. 8; p. 2, c. 1.

Senator Borah, although indignant at the caucus action, made no comment in caucus. When, however, expulsion from the caucus was followed by demotion in committee assignments, he exploded. Speaking in the Senate against the assignments proposed for these men by the Republican Committee on Committees, he said: "I take this occasion to say that I think it is not only impolitic from a party standpoint, but I think it is exceedingly impolitic from the standpoint of the interests of the working capacity of the Senate. I think it is also unjust and unwise from any viewpoint. . . . I think it much better for the country, much better for the party, and much better for the Senate that as these men indicated their desire to be assigned as Republicans,[42] they should be assigned as Republicans, they should be given their positions as Republicans. . . . These senators represent Republican States, Republican constituencies. They were elected to this body as Republicans. They could not be here unless that were true. I think it a good idea in the hour of victory, when we are enjoying the fruits of success, to cast a look ahead and to practice some degree of breadth and tolerance with reference to these matters. . . . I would not know where to establish the line of loyalty or party devotion under conditions as they have prevailed in this country for the last 10 or 15 years. I do not know what the test is, and unless I do know what the test is, I very much fear that I might get outside of the line myself. The fact is that about 90 per cent of the present Republican voters are sons and daughters of renegades if the test which is to be applied here is the test which should have been applied during the last 35 or 40 or 50 years." Borah then predicted that the contemplated action would soon be regretted, that it would lead to further divisions and to party defeats, and pleaded for tolerance and party harmony. "These are times, as I have said, of wide differences of view as to what constitutes Republicanism, and I am deeply thankful under present conditions that it is so. Let us recognize these conditions and deal with them as broad-minded leaders and not as narrow partisans."[43]

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[41] *Ibid.*, p. 2, c. 1.

[42] All except La Follette had expressed this desire, even after their expulsion on November 28. Brookhart wrote a letter to Senator Watson, chairman of the Republican Committee on Committees, in which he said: "It is my desire that I be assigned to committees as a Republican under the same rights and rules as all other Republicans. I desire that this question be submitted to the committee [on committees] and to the caucus, and if approved I shall abide by the action of the committee and caucus on all committee assignments." *Cong. Record*, 69 Cong., Spec. Sess., Vol. 67, p. 15 (Mar. 7, 1925). Letters of Ladd, Frazier, and Brookhart, in *N. Y. Times*, Feb. 28, 1925, p. 2, c. 1.

[43] *Cong. Record*, 69 Cong., Spec. Sess., Vol. 67, p. 16 (Mar. 7, 1925). Cf. view of *New*

Senator Watson, chairman of the Republican Committee on Committees, replied that a political party "in reality is organized for one election. If its policies are continuing, the organization may be continuing; but, after all, it is for one contest, one election, subscribing to one platform, one set of principles, and having one body of candidates to represent the people comprising that party and those principles in the ensuing administration. I am not concerned about what men did in 1912 or in 1916 or in 1920; I am concerned about what they did in 1924; and I know that at that particular time and at that particular election these particular individuals left the Republican party."[44] Although there must have been many regular Republicans who winced at this remarkably loose conception of the Grand Old Party, which was, in fact, not much different from the Borah-Norris concept, the committee assignments were made as proposed and the four senators were duly disciplined for their irregularity.[44a] La Follette accepted his ouster without comment; Frazier said he felt much more hurt at being barred from the White House breakfasts; Brookhart good-humoredly insisted, over laughter in the Senate, that he was still a better Republican than Watson; while Ladd made a vigorous protest against this application of what he called "rigid and autocratic discipline," and said: "My duty is first to the people of North Dakota, and I deny that the representatives of New Jersey or Pennsylvania shall dictate the limits of my party loyalty."[45]

As a matter of fact, the discipline imposed on these senators was not long continued. The elder La Follette having died shortly afterwards (June 18, 1925) and his son, "Young Bob," having been elected to succeed his father and

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York Times: "In asking for a definition of Republican loyalty, Senator Borah runs off into metaphysics. Who can say what essential Republicanism is today? The dissenting Republicans of 1896, the come-outer Republicans of 1912, are today pillars of the party. Why draw the line at the more recent rebels? But there is a rough-and-ready line which they themselves drew. If you denounce a party's platform, if you attack its candidates, if you refuse to vote for it or work with it, then you are not an honorable member of it. It may change later, or you may change. But as the thing stands today, it is both incongruous and impudent to demand that the party organization should welcome to its arms men who did their best to destroy it and who remain impenitent." Editorial, "Political Consequences," *N. Y. Times*, Mar. 9, 1925.

[44] *Cong. Record*, vol. 67, p. 16.

[44a] La Follette was demoted from the chairmanship of the Committee on Manufactures to the next to the last place on that committee, with Brookhart in the last place; Ladd was demoted from the chairmanship of the Committee on Public Lands and Surveys to the last place; Frazier was transferred from the Committee on Indian Affairs, where he held the last Republican place, to the last place on the Committee on Banking and Currency; all were assigned to these and other committees as third-party men, below both Republicans and Democrats. *Ibid.*, p. 15; *N. Y. Times*, Mar. 8, 1925, Sec. 1, p. 2, c. 2; *Cong. Directory* for respective sessions. In the Senate, where the matter was settled only after considerable discussion, the Democrats adopted the policy of considering it a Republican family affair and keeping hands off. See especially remarks of Senator Robinson (Ark.), Democratic floor leader. *Cong. Record*, vol. 67, p. 46 (Mar. 9, 1925); *N. Y. Times*, Mar. 10, 1925, pp. 1, 4.

[45] Quoted in *Chicago Tribune*, Jan. 7, 1925; and *Cong. Record*, vol. 67, p. 16 (Mar. 7, 1925).

under the Republican label,[46] the Senate Republican leaders who had been most bitter against the father promptly intimated that the son would be welcomed back to the Republican fold if he chose to come.[47] A formal notice of the Republican caucus was sent to Young Bob, who, however, ignored it, stayed away from the caucus, and instead conspicuously attended a special meeting of the Wisconsin delegation to establish a united progressive front.[48] The problem of Senator Ladd was also settled by his death before the meeting of the new (69th) Congress, and the succession of Gerald P. Nye, who, although associated in North Dakota with Ladd and Frazier in the Nonpartisan League, was, as a new senator wearing the Republican label, invited to the Republican caucus, assigned committee posts as a Republican,[49] and even assured of White House favors in respect to patronage.[50] Brookhart and Frazier were excluded from party circles during the 69th Congress, and Brookhart was even thrown out of the Senate seat to which he had been reëlected on the face of the returns in 1924;[51] but following the election of 1926 Republican control of the

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[46] The chairman of the Wisconsin Republican executive committee, W. J. Campbell, intimated in a formal statement that the label should be ignored, pointing out that in the senatorial campaign La Follette had reiterated his opposition to all the major policies in the Republican platform, and that, under the open primary in Wisconsin, Socialists and Democrats could vote in Republican primaries. He proposed that La Follette should be asked explicitly whether he now endorsed those Republican policies, and that his status be determined according to his "yes" or "no" answer. "The Republican party," he said, "has the same right of self-preservation as any other institution. This right is inherent. The test of Republicanism is general adherence to the major policies and principles of the party as enunciated in its existing platform. Neither does this mean adherence to every dot and dash in that platform, but certainly if the Republican party is to live it must insist that those who repudiate its principles in their entirety must be subject to some test. It matters not whether those political principles are sound or unsound; it has the same right of self-determination as to its membership that any other institution has." Statement quoted in *Chicago Tribune*, Dec. 14, 1925.

[47] "If Mr. LaFollette wants to return to the Republican party and function with it, by all means let's give him a chance. I have only opposed the man who publicly repudiated the party and openly left it." Senator Edge (N.J.), quoted in *N. Y. Times*, Dec. 3, 1925.

[48] *Chicago Tribune*, Dec. 3, 6, 1925; *N. Y. Times*, Dec. 7, 1925, p. 1, c. 8. Young Bob was nevertheless assigned to committees as a Republican.

[49] Nye was even shortly given the chairmanship of the Committee on Public Lands and Surveys, the post from which Ladd had been demoted.

[50] Nye and Frazier both protested the appointment of Colonel C. F. Mudgett, one of their political opponents, as U. S. marshal for North Dakota, and clearly made it a condition of their support of the Republican party organization in Congress that this appointment be withdrawn; after a series of conferences with President Coolidge, it was attributed to a "clerical error" and withdrawn, and the senators were evidently assured of proper consideration in the future. On this incident, the *N. Y. Times* commented: "The old doctrine used to be, 'first pure, then peaceable'; but when Republican peace must be had, the price of Republican purity is none too high to pay for it." See editorials, "No Harmony Without Offices," and "Republican Peace at Any Price," Dec. 3, 4, 1926; also editorial, "Political Moralities in North Dakota," in *Chicago Tribune*, Dec. 6, 1926; and good account by Arthur Sears Henning in *Chicago Tribune*, Dec. 3, 1926, p. 1.

[51] The seat was successfully contested by the Democratic nominee, Dan F. Steck, the legal issue being whether certain ballots voted for Steck, but with other distinguishing

Senate was seriously endangered,[52] every possible vote was needed for purposes of organization by the party, Brookhart's Republicanism had again been triumphantly certified to in Iowa,[53] and both men (Brookhart and Frazier) not only were recognized for the 70th Congress as Republicans in good standing, but were restored to all their committee posts, with full seniority as though they had never been dropped;[54] in addition, during the course of that Congress the regulars yielded to further demands of five recalcitrant radicals for better committee assignments and for better opportunity to present their legislative program.[55] By these means, and with the sufferance of Senator Shipstead, who held the balance of power,[56] the Republicans were able to organize the Senate, but not to control its policies.[56a]

In the House of Representatives, where there were at least 13 Republicans who had supported La Follette for president in 1924,[57] the Republican leaders

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marks, should be counted; the Iowa election authorities awarded the seat to Brookhart but the Senate decided otherwise, with regular Republicans voting heavily for Steck.

[52] The result was: Republicans, 48 (including Frazier, Nye, Brookhart, Norris, and other insurgents); Democrats, 47; Farmer-Labor, 1 (Shipstead of Minnesota). Shortly after the election, Senator Reed (Pa.), who had sponsored the expulsion of these senators in March, 1925, said: "If Senator Frazier asks to be classed hereafter as a Republican, I see no reason why his request should not be granted." Frazier responded that any action was up to those who had acted before. *N. Y. Times*, Nov. 23, 1926.

[53] In 1926, Brookhart beat the veteran Cummins for the Republican nomination by more than 70,000, and was elected by about 75,000 plurality.

[54] Frazier was given the chairmanship of the Committee on Indian Affairs, which he particularly desired, as well as restored to his other committees as a Republican; Brookhart was similarly reassigned as a Republican to his previous committees or to better ones. See Senate committee assignments in *Congressional Directory* for the respective sessions of Congress.

[55] These five were La Follette and Blaine, of Wisconsin; Frazier and Nye, of North Dakota; and Shipstead, the Farmer-Labor senator from Minnesota; they wrote a joint note to Senator Curtis, the Republican floor leader, embodying these demands and impliedly threatening to block Republican organization of the Senate unless the demands were granted. The result was formal assurance with respect to the legislative program, and immediate or gradual improvement in committee assignments, Nye, for example, being put on the party Committee on Committees and later (1935) becoming its chairman; and La Follette not only securing his father's chairmanship of the Committee on Manufactures (in 1929), but also (in 1930) being assigned to the powerful Committee on Finance, on which he continued to serve with full seniority privileges as a Republican, even while labelling himself a Progressive (1934–46), until his defeat in 1946. *N. Y. Times*, Dec. 2, 1927, pp. 1, 7; *Chicago Tribune*, Jan. 8, 9, 1930.

[56] Following the election in November, 1926, Senator Shipstead said: "I have not made up my mind as to what my course will be as 'balance of power' Senator. . . . I guess I will have to hold a caucus" (*N. Y. Times*, Nov. 8, 1926); he later voted with the Republicans on matters of organization, associated more and more closely with the Republicans, and finally adopted the label in 1940.

[56a] The insurgent Republicans announced that while they would support the Republican party in organizing the Senate, they would not be bound on matters of policy.

[57] These were 10 from Wisconsin (the entire Republican delegation, the 11th from that state being Victor Berger, Socialist), Keller of Minnesota, La Guardia of New York, and Sinclair of North Dakota.

proceeded on a somewhat different theory of party loyalty and discipline than that applied in the Senate. Mr. Longworth, the Republican floor leader, was in favor of stern measures against bolters, but thought their punishment should await the new (69th) Congress. "They came into the present House under proper party affiliations," he said. "Their action in the recent campaign does not affect their position for this Congress. It does affect, however, their position in the next Congress, and the altered condition and status must be considered in the organization of the next House."[58] In a public address given shortly before the Republican House caucus was to deal with the matter, Longworth again referred to the several Republicans who openly supported La Follette and opposed Coolidge, some of whom "even went so far as to leave their states and campaign against Republican candidates for Congress and in favor of Democratic candidates." "These men," he said, "cannot and ought not to be classed as Republicans in the next Congress. They left the Republican Party deliberately and did everything possible toward its undoing. Their leaders admit that from the first they carried the fight to the Republican ticket in the campaign. They assert now that the fight has just begun. What shall we do with these gentlemen in the next Congress? Shall we take them to our bosoms and keep them in the inner chambers of our party councils? To do so, in my opinion, would be to deliberately ignore the mandate of the last election, by which the Republican Party was commissioned to carry out a definite legislative program and to adhere to certain fundamental governmental policies. As I interpret that mandate, it imposes upon us the duty of seeing that the machinery to execute it shall be made as efficient as possible. And surely that could not be done if we were to put in key positions in the next Congress men who have opposed, and are opposing, that program, and who have sought, and are seeking, the destruction of the very foundations upon which, as we hold, our governmental structure is based."[59]

In line with these views, Congressman Wood (Indiana), chairman of the Republican Congressional Committee, omitted 13 of the irregulars from the list of those invited to the caucus held on February 27, 1925.[60] His authority thus to read these men out of the party was sharply challenged, not only by the rebels themselves, but by other somewhat more regular Republicans, such as Representative King of Illinois. Wood replied: "I have no right whatever to refuse an invitation to any Republican member, but I have the right to conclude by their acts and not by their professions who are Republicans"; and on being pressed further by Mr. King as to his authority to "read anybody out of a Republican caucus," Wood reiterated, "I have no authority except that which is given me by a reasonable amount of common sense and judgment," to which King retorted: "I think in this case the gentleman has overrated the amount."[61]

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[58] *N. Y. Times*, Nov. 29, 1924, p. 2, c. 2.

[59] Speech to Ohio Society in New York City, Jan. 10, 1925, *N. Y. Times*, Jan. 11, 1925.

[60] These were the 10 from Wisconsin, Beck, Browne, Cooper, Frear, Lampert, Nelson, Peavey, Schaefer, Schneider, Voight; La Guardia (N. Y.), elected to the 69th Congress as a Socialist; Keller (Minn.); and Sinclair (N. D.).

Wood's action was, however, supported by Longworth, the Republican floor leader and soon to be speaker,[62] endorsed by President Coolidge,[63] and strongly supported by regular Republicans generally. The *National Republican*, semi-official organ of the Republican National Committee, ran an editorial entitled "Overboard with the Scuttlers and the Mutineers!" in which it pointed out: "Something more than the mere question of party regularity is involved in the question of the right of members of Congress, elected as Republicans and still affecting affiliation with the Republican party, but who openly supported an anti-Republican cause in the last campaign, to have recognition as Republicans in the organization of the House and Senate. . . . The seizure of the machinery of the Republican party in certain of the northwestern states by men who do not nationally believe in the Republican party, is as much corrupt practice as the purchase of votes. It involves hypocrisy and false pretense. . . . It is the duty of any honorable man, when he finds himself at war with the essential doctrines of any political, religious, or other organization, to get on the outside of it. When he refuses to do so, merely because he wishes to remain and partake of the loaves and fishes, he places himself in a contemptible position, and he is unworthy of trust by his nominal party associates. . . . We have a law on the federal statute books against the misbranding of foods and drugs. There ought to be some method of penalizing the misbranding of candidates for office. We have laws against obtaining money under false pretenses. There should be some way of preventing politicians from getting office under false labels and false pretenses. The La Follette-Socialists have no more right to the Republican name in Wisconsin than the Mississippi Democrats would have to the Republican name in their state if they should decide to enter and control the Republican primaries. Here is a question of honesty and the square deal too clear-cut to be blinked by anyone. There is room for a Republican party in Wisconsin, and perhaps there is room, too, for a La Follette-Socialist party; but each should sail under its own colors and courageously accept the responsibility and consequences of its own beliefs. . . ."[64]

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[61] Since Wood was not, strictly speaking, a caucus official at all, the challenge to his authority would seem to have considerable point; the chairman of the Republican House caucus, from whom such invitations would normally come, was at that time Sydney Anderson (Minn.), probably more sympathetic than Wood with the insurgents. The exchange was part of a vigorous debate in the House, Jan. 29, 1925, over the status of the insurgents; the debate showed that the regular Republicans were much more concerned about the opposition of these insurgents to other Republican candidates for Congress than about their failure to support the presidential ticket. Frear (Wis.) was particularly quizzed on this point. See *Cong. Record*, vol. 66, pp. 2642–2646, 2650–2652 (Jan. 29, 1925); pp. 2712–2719 (Jan. 30, 1925). *N. Y. Times*, Jan. 30, 1925.

[62] In House of Representatives, Jan. 30, 1925. *Cong. Record*, vol. 66, pp. 2712–2713 (Jan. 30, 1925).

[63] *N. Y. Times*, Mar. 11, 1925.

[64] Editorial in *The National Republican*, Feb. 7, 1925. For other newspaper opinion, overwhelmingly in approval of the above view, see "Purging the Republican Ranks," in *Literary Digest*, Mar. 21, 1925, pp. 7–8.

In the Republican House caucus, held on February 27, 1925, to organize the new (69th) Congress, a formal resolution to make support of the presidential ticket the test of admission to the caucus, and therefore of good Republicanism, was withdrawn after considerable debate;[65] but the temper of the caucus was indicated by its positive refusal to admit Lampert of Wisconsin, who requested admission and for whom a special plea was made by such a regular as Britten (Illinois),[66] and the whole matter of the status of the insurgents was referred to the Committee on Committees, composed of one member from each Republican delegation, but to which, significantly, no Wisconsin member was named.[67] It was generally assumed that this meant ouster of the insurgents from important committee assignments, and, in fact, the Committee on Committees promptly adopted a resolution "that in the selection of the committees we recognize as Republicans only those who supported the Republican national ticket and platform in the last campaign."[68] However, except for two cases,[69] no disciplinary measures of this sort were applied until the new House met in December, 1925. At that time Mr. Longworth, nominated for speaker, and the other Republican leaders, made it plain that the "acid test" of sound Republicanism, which in February had been support of the presidential and congressional tickets, now would be the vote on the speakership and on restoring the stringent discharge rule which had been modified the previous year.[70]

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[65] The resolution, offered by Snell (N. Y.), read as follows: "Resolved, That the caucus roll of the Republican members of the Sixty-ninth Congress shall contain only the names of those members who in the last election openly supported the Republican candidate for President and Vice President."

[66] *Rep. House Caucus Journals*, Feb. 27, 1925, pp. 119, 121. Lampert's contention was that he had not actually campaigned for La Follette.

[67] The membership of the Committee on Committees is given in *N. Y. Times*, Mar. 4, 1925. Tilson (Conn.) was chairman, having also just been chosen to succeed Longworth as majority floor leader.

[68] Adopted Mar. 5, 1925. *N. Y. Times*, Mar. 6, 1925, p. 4.

[69] Frear and Nelson, of Wisconsin, considered as the ring-leaders of the insurgent revolt, were removed from the Committee on Ways and Means and on Rules, respectively, before the new Congress met. Arthur Sears Henning, in *Chicago Tribune*, Mar. 6, 1925, p. 1, c. 1; Nov. 27, 1925, p. 1, c. 8. Nelson was La Follette's campaign manager in the presidential campaign of 1924, and Frear acted as chairman and leader of the Wisconsin delegation. The committee assignments of all the insurgents, in every case but that of Cooper (Wis.) to minor committees only, were announced Dec. 15, 1925. See list in *Chicago Tribune* Dec. 16, 1925, p. 6, c. 1.

[70] *N. Y. Times*, Dec. 4, 1925; Arthur Sears Henning, in *Chicago Tribune*, Dec. 7, 1925, p. 1, c. 8. For some time the House rule had required a full majority of the House membership (218) to bring before the House the question of discharging a committee from consideration of a bill; in the previous Congress the insurgent Republicans had joined forces with the Democrats to secure (on Jan. 18, 1924, after a vigorous debate for six days) a new discharge rule permitting 150 members to invoke such discharge proceedings. It may be noted that in the end both Longworth, then the majority floor leader, and Snell, the chairman of the Rules Committee, as well as many other regular Republicans, voted for the modified rule, whose abrogation they now sought to force by the application of party discipline; they were duly twitted for this by the minority leader, Garrett (Tenn.). *Cong. Record*, vol. 65, esp. pp. 14, 19, 943–944, 1116–1117, 1143 (68 Cong., 1 Sess.).

To this challenge the insurgents responded, as they had done two years earlier, by organizing their own caucus, nominating Henry Allen Cooper, the dean of the Wisconsin delegation and of the House, for speaker, and voting solidly for him in the House instead of for Longworth, the regular caucus nominee.[71] They were joined by 12 additional Republicans in voting against the discharge rule, the second test of Republicanism.[72] Congressman Frear, as spokesman for the insurgent group, made a long statement in explanation of their position, in which he said: "The Wisconsin Republican members of the House do not concede the right of Mr. Longworth or any other so-called leader to put them on trial for their Republicanism. . . . The Wisconsin delegation in Congress today finds itself challenged by those assuming to be in control of the Republican party by threats and intimidation on the one hand, and by the offer of party recognition with its favors and patronage on the other. We refuse to compromise, or to bargain with Mr. Longworth or with any other member of the House, on an issue affecting our rights as representatives in Congress to vote our convictions of duty to our constituents under our official oaths." The progressive group, composed of representatives from North Dakota, Minnesota, and New York, as well as from Wisconsin, issued a supplementary statement, expressly endorsing the Frear statement, and adding: "The demands of Mr. Longworth, candidate for Speaker, and his threat that Progressives are to be tested by their votes on various matters, commencing with the first vote for Speaker, are answered by the Progressives in their decision to vote for the Hon. Henry Allen Cooper, the Dean of the House, for Speaker. . . ."[73]

Following these votes in the House, the threatened discipline was applied to the 13 principal insurgents,[74] including Keller (Minnesota) even though he voted for Longworth for speaker, but not including any other Republicans who merely voted against the revived discharge rule; this discipline consisted not only in debarment from the party caucuses, but in demotion from their more important committee posts and assignment to the lowest places on minor committees. That is, the insurgents were denied recognition as Republicans in good standing, but were treated as though they were new members belonging to a third party.[75] La Guardia, apparently recognizing his special status as a Socialist by label, if not by preference or conviction, accepted his punishment in good humor and without fighting back. "As far as I'm concerned," he said in the House in reply to Longworth's threat of ouster, "in October, 1924, I didn't give the Republicans any quarter, and I'm not going to ask any quarter in January, 1925." "I knew where I stood then, and I know where I stand now. I supported La Follette. . . . They have a perfect right to bar me out of the party now, but my fight with the Republican Party started when I carried the Republican ticket in New York City in 1919. . . . Do not for a moment think I am going to lie down, but I am not here to fight along with my colleagues from the West. They have nothing to do with my fight. . . . My fight is in New York City. I serve notice now that I shall fight in New York City and you can kick me out of your caucus, but I can keep you out of the City Hall in New York City. . . ." He also reminded the Republican leaders that if the insurgent group was to be treated as a separate minority party, there would have to be further recognition of their party status. "We have got to have offices and a minority clerk. You know we belong somewhere. Even if you do not think us members of your party, we have some standing on this floor."[76]

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[71] Actually, only 10 Republicans voted for Cooper, nine from Wisconsin (Cooper himself voting "present"), and Sinclair of North Dakota; La Guardia of New York (previously a Republican but elected to this House as a Socialist) and the two Farmer-Labor members from Minnesota (Kvale and Wefald) also voted for Cooper; Keller of Minnesota, generally associated with the insurgents, voted for Longworth. *Cong. Record*, vol. 65, pp. 8–15 (68 Cong., 1 Sess., Dec. 3, 4, 5, 1923). For comparison with situation in the previous Congress, see *supra*, n. 37a.

[72] These were Barbour (Calif.), Burtness (N. D.), Cooper (Wis.), James (Mich.), Keller (Minn.), Kelley (Pa.), Kendall (Pa.), Rathbone (Ill.), Simmons (Neb.), Sproul (Kan.), Swing (Calif.), Woodruff (Mich.). See list of Republicans voting on both speakership and discharge rule in *Chicago Tribune*, Dec. 8, 1925, p. 1; and roll calls in *Cong. Record*, vol. 67, pp. 381, 390–391 (69 Cong., 1 Sess., Dec. 7, 1925).

[73] Statements issued Dec. 6, 1925, and repeated next day in the House during nominations for speaker; the original supplementary statement included Illinois among the states represented in the progressive group, but that seems improbable, and the House statement omitted Illinois. *N. Y. Times*, Dec. 7, 1925, p. 2, c. 1; *Chicago Tribune*, Dec. 7, 1925, p. 2, cc. 1–2; *Cong. Record*, vol. 67, pp. 380–381 (69 Cong., 1 Sess., Dec. 7, 1925).

[74] *Supra*, n. 60.

In general, however, the insurgents were anxious to retain their standing in the Republican party, presumably because of the advantageous positions that would give them in the legislative machinery, and immediately following the congressional elections a year later (1926), Congressman Frear took the initiative in seeking restoration to the party councils. On November 23, 1926, he wrote a letter to Senator Norris, in which he called attention to the close party balance in the House as a result of the elections,[77] noted that all of the disciplined insurgents had been reëlected as Republicans and their Republicanism therefore significantly certified by their constituents, and urged that the insurgent senators, to whom overtures were now being made by the regulars in order to organize the Senate, refuse to enter into any agreement unless reinstatement of the House members was considered also.[78] A few days later, Frear and Nelson publicly declared their willingness to join the regular Republicans in organizing the new House, but not to sacrifice their political convictions on matters of policy in order to regain committee posts.[79] Although Mr. Tilson, majority leader in the House, seemed disposed to take back the insurgents, the Republican Committee on Committees still refused to give them recognition as Republicans, and, in effect, put them on further probation.[80] However, about six weeks later (on February 4, 1927), the insurgents were formally invited to the Republican House caucus called to organize the new (70th) Congress, an invitation which only Nelson accepted.[81] The general feeling of the insurgent group—fear of being bound if they entered the caucus—was probably well stated by Schneider (Wisconsin), who replied to the invitation by saying: "I had believed the party caucus was a thing of the past. The move on the part of the Republican leaders to bring back the party caucus, which is a discredited method of binding and gagging members in secret, does not appeal to me. . . . I will not now be a party to the attempt to resurrect it and bring back the Cannonism of old. I do not want to contribute to the effort of leaders to muzzle free and independent expression and action of any member of my party, nor will I submit my independent judgment to the dictates of a caucus. . . . "[82]

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[75] See lists of demotions and new committee assignments in *Chicago Tribune*, Dec. 11, 16, 1925; and *Cong. Directory;* Cooper (Wis.) was, as the only exception and probably because of his long service in the House, allowed to remain on the Committee on Foreign Affairs, a major committee, although shifted from 7th place to the bottom [13th.]

[76] *N. Y. Times*, Jan. 31, 1925, p. 3, cc. 2–3.

[77] The Republicans had a majority of 10, including the insurgents, which meant that the Wisconsin delegation held the balance of power.

[78] Text of letter in *N. Y. Times*, Nov. 27, 1926. LaFollette was apparently the only one of the insurgent senators to give any heed to Frear's suggestion. See editorial in *La Follette's Magazine*, quoted in *Chicago Tribune*, Dec. 19, 1926.

[79] *N. Y. Times*, Nov. 30, 1926.

In spite of these bold words, and the apparent insistence of the insurgents upon having their party cake and eating it too, the organized insurgent revolt in the House was now essentially over. The overwhelming Hoover victory of 1928 brought the regular Republicans into such control of the House that they could ignore these dissident voices out of Wisconsin; and the even more overwhelming Roosevelt victories that followed tended to disrupt still further the insurgent ranks within the Republican party by displacing some of them with Democrats, by presenting a legislative program pleasing to many of those who remained, and also by inducing, for those who still wore the Republican label, a greater regularity in view of their new status as members of a minority party.

There continued to be occasional individuals who broke party discipline and whose party standing was therefore subject to question. Louis T. McFadden, ordinarily an orthodox Pennsylvania Republican, indulged in such continuous attacks upon President Hoover that in 1933 he was finally removed by his Republican colleagues from the Committee on Banking and Currency, of which he had been chairman, and also was stripped of his patronage privileges.[83] William Lemke, of North Dakota, although sitting in the House with the Republican label, ran for president on the Union party ticket in 1936, and was subsequently demoted to lowest place on minor committees.[84] Lemke's colleague, Usher L. Burdick, who refused to support the party nominee for speaker, Mr. Snell, was similarly assigned in the 74th Congress to minor committees only, and in the 75th Congress was demoted to what he himself called "the tail-end kite of a discredited political party"; recognizing that he was "about as welcome to the ruling class of Republicans in this House as a weasel would be in a rabbit's nest," and admitting that he had supported the Democrats "probably 90 per cent of the time," Burdick thereupon resigned from all his committees, saying in his letter of resignation: "I was fully advised of the punishment in store for me if I did not support Mr. Snell for the speakership. I refused to support him for the good of the Republican party, and this action has been the result. I am not in sympathy with the present leadership of the Republican Party in this House, and will not accept this demonstration of party punishment." The resignation was, however, accepted without further ado, and the punishment stood.[85]

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[80] *Ibid.*, Dec. 17, 1926.

[81] *Ibid.*, Feb. 22, 1927; *Chicago Tribune*, Feb. 5, 21, 22, 1927.

[82] *Chicago Tribune*, Feb. 10, 1927.

[83] *Chicago Tribune*, Mar. 14, 1933, p. 17, c. 5.

[84] Lemke replied to this demotion: "I'm not begging anything from the damned reactionary Republicans." *Chicago Tribune*, Jan. 15, 1937, p. 9, c. 3. He continued, however, to wear the Republican label and to associate generally with the Republicans.

It is difficult, out of all this, to find any consistent criterion of Republicanism, even for the House alone, and it seems to come out as something to be determined by the circumstances of the moment. In connection with vigorous Republican criticism of President Roosevelt for his failure to include representatives of the minority party in the delegation to the Inter-American Conference in Buenos Aires in 1936, Congressman Hamilton Fish (New York) was asked whom he had in mind for that delegation, to which he replied: "I had not anyone in mind except that he should be a bona-fide Republican, and, that is, not a Republican who has deserted the Party to support the candidate of another party." Upon being pressed further "to start back about 1910 and come down to date, and tell us what a bona-fide Republican is," Mr. Fish replied: "The gentleman is just as good a politician as I am. He knows exactly what I am speaking about. It is one who supports his party's candidate for the presidency."[86] Perhaps that criterion fits the realities as closely as any, so far as the Republican party in the House is concerned.

In the Senate, however, even that simple criterion would not hold. In the 1928 presidential campaign, three Republican senators (Norris of Nebraska, Blaine and La Follette of Wisconsin) openly bolted Herbert Hoover and took the stump for Al Smith; although they and their several radical colleagues,[87] who also opposed President Hoover's legislative program, were later referred to by Senator Fess, the Republican whip, as "pseudo-Republicans,"[88] by Senator Moses, president *pro tem.* of the Senate, as "sons of the wild jackass,"[89] and by

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[85] *Cong. Record*, vol. 81, pp. 211, 245 (75 Cong., 1 Sess., Jan. 13, 14, 1937). For comparison of this harsh discipline by House Republicans with the liberal treatment of La Follette and Norris by Senate Republicans, see O. R. Altman, in this REVIEW, Vol. 31, p. 1075 (Dec., 1937).

[86] *Cong. Record*, vol. 81, pp. 1314–1315 (75 Cong., 1 Sess., Feb. 17, 1937).

[87] The more vociferous progressives, Brookhart (Ia.), Howell (Neb.), Frazier (N. D.), and Nye (N. D.) supported Hoover; Borah, one of their number in the Senate, was always regular during the campaign months.

[88] Letter from Fess to Marshall Sheppey, of Toledo, May 9, 1929. Fess named Borah, Brookhart, and Nye, but clearly referred to the 13 Republicans who supported the debenture plan for agricultural relief. *Chicago Tribune*, May 10, 1929.

[89] Address by Senator Moses at Washington dinner of New England manufacturers, Nov. 8, 1929, with reference to the position of these insurgents on the tariff bill then pending. Following this jibe, Senator Norris, in the Senate, took a handful of straw from

Secretary of the Navy Adams as "perhaps 12 men in the Senate called Republicans who owe allegiance to no party,"[90] they were not formally disciplined and their excellent committee assignments were continued. Their power on the committees was, however, somewhat diminished by the simple device of increasing the size of the committees, and thus "containing" these radicals within more conservative colleagues.[91] In 1932, four Republican senators (Norris, La Follette, Hiram Johnson, and Bronson Cutting) again bolted Herbert Hoover and campaigned for Franklin D. Roosevelt; and although Senator Reed of Pennsylvania and other Eastern conservatives desired to read these men out of the party, they were not in the end disciplined in any way, but were left on their committees, invited to party conferences, and treated as Republicans in the best of standing.[92] In 1936, two of these (Norris and La Follette, the latter now turned Progressive by label as well as by conviction[93]) again supported Roosevelt, but with no resulting punishment; in 1940 Norris (now an Independent by label), and in 1944 Ball of Minnesota, also supported Roosevelt, with the same tolerance from their Republican colleagues in the Senate.[93a]

In fact, even the conservative Republicans in the Senate seemed to agree, before the party caucus was held in December, 1936, that although "the generally accepted definition of what makes a party man is that he shall have supported the Presidential candidate of the party in which he claims membership," such a test could not well be applied at that time, or there would not have been enough Republicans to serve the party on Senate committees.[94] It was therefore proposed by four of these conservatives, and agreed to by the caucus, that there should "be no rigid test of a Senator's Republicanism, and all those whose political origin was Republican would be invited to attend the minority conference and be considered as aligned with the minority group in

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the tariff exhibit of German pottery, shook it over his head, and said: "This packing probably is fodder for us wild jackasses, and that's the kind of food they want to give to the consumers." *N. Y. Times*, Nov. 9, 1929, p. 1, c. 3: *Literary Digest*. Nov. 23, 1929, p 10. As a result, 14 Republicans refused to support Moses for reëlection as president *pro tem.* in December, 1931, and forced a deadlock on 23 ballots; the result was, however, to continue Moses in that office during the 72nd Congress, since under Senate rules a president *pro tem.* holds office until displaced. *Cong. Record*, vol. 75, pp. 226–227, 458–460, 921–922, 1197–1198, 1368–1372.

[90] Address in Boston, May 27, 1929, quoted in *Cong. Record*, vol. 71, p. 2063 (71 Cong., 1 Sess., May 28, 1929).

[91] *Chicago Tribune*, Nov. 9, 1928; Feb. 5, 1929. There was apparently some use made of original committee assignments for disciplinary purposes; for case of Senator McMaster (S. D.), see *Cong. Record*, vol. 72, pp. 1421–1423 (71 cong., 2 Sess., Jan. 11, 1930).

[92] *Chicago Tribune*, Feb. 6, 1933, p. 4, cc. 4–6; Feb. 25, 1933, p. 2, c. 7; *N. Y. Times*, Mar. 6, 1933, p. 30, c. 3; and editorial, "Calling the Stray Sheep," in *N. Y. Times*, Dec. 29, 1933.

[93] La Follette was a Progressive from 1934 to 1946, when he again took the Republican label and was defeated for renomination in the Republican primary.

[93a] Ball was, however, denied a post on the Committee on Foreign Relations, which he presumably desired.

[94] There were only 17 Republicans in the Senate following the 1936 elections, including those who had bolted Landon.

the make-up of committees." Under this extremely loose test of "political origin," not only Norris and La Follette, but even the two Farmer-Labor senators from Minnesota (Shipstead and Lundeen) were invited to the Republican caucus and were, for all practical purposes, considered as Republicans.[95] It is not surprising that this action should bring the tart comment that "Republican bewilderment could hardly be expressed more comically," nor that the Grand Old Party should be referred to as a "queer menagerie."[96] Indeed, the trend away from the old test of party membership, support of the party's presidential ticket, went so far that after 1940 repudiation rather than support of Mr. Willkie seemed to become the test of sound Republicanism and, to a lesser extent but nevertheless evident particularly among party leaders in Congress, was a similar test in relation to Mr. Dewey.[97]

Many situations arose out of this loose party system that were irritating to regulars. Senator Morse, of Oregon, was almost a continual irritant to his party leaders in the Senate, but retained his good party standing by his support of all Republican candidates for the Senate in 1946, even campaigning for some (such as Dworshak, of Idaho) who differed diametrically on both domestic and foreign policies.[97a] But when Senator Langer (North Dakota) went so far, in respect to his bill for improved conditions in the federal civil service, as to place the responsibility for its failure upon the Republican leadership and to say "that if the Republican leadership does not permit a vote on this bill, I shall advise them [federal employees] to vote the Democratic ticket at the next election," Senator Capehart (Indiana), regular that he is, exploded: "My observation has been that the Senator from North Dakota is more of a Democrat than he is a Republican. My recommendation is that he go over and sit with the Democrats and run on their ticket and become a member of the Democratic party. As one Republican, I am sick and tired of seeing Republicans run on the Republican ticket, accept favors at the hands of the Republican party, accept chairmanships at the hands of the Republican Party, and then rise on the floor of the Senate, desert their party, and advise people to vote the Democratic ticket. I admire a good Democrat or a good Republican. . . ."[98] Langer was denied an opportunity to reply, but neither did he move over to the Democrats nor did the Republicans change their policy of tolerating anyone who put on the party label or who was "Republican by origin."

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[95] *N. Y. Times*, Dec. 8, 1936, p. 12, c. 2; Dec. 23, 1936, p. 15, cc. 6–7. Lundeen, however, requested and was granted classification as a Democrat for purposes of committee assignment.

[96] Editorial, "Hospitable Republicans," in *N. Y. Times*, Dec. 9, 1936.

[97] This curious relationship between the Republican party and its own presidential nominees, particularly Mr. Willkie, requires further analysis, but not in this paper. The newspapers of the period 1940–46 reflect this profound dissatisfaction of the congressional leaders, in particular, with these nominees, and make the renomination of Dewey in 1948 all the more remarkable.

[97a] Morse was, however, referred to by other Republicans, such as Representative Shafer (Mich.), as "the so-called Republican from Oregon," "another New Dealer of the Wallace stripe," and "the New Deal secret weapon among the Republicans"—language which no doubt reflected the feelings of a considerable number of conservative Republicans. See statement by Representative Shafer (inserted by Senator Morse himself), in *Cong. Record*, 80 Cong., 1 Sess. (Mar. 7, 1947), pp. 1831–1832. "The things that Morse's Republican colleagues say about him in private could never be printed in the *Congressional Record*." Marquis Childs, in *Washington Post*, July 19, 1947, p. 5, c. 2.

The result was to increase the confusion and discord among the Republicans in both houses, especially in the Senate. One writer referred to the independent or liberal-progressive group of Republican senators in the 80th Congress (particularly Morse, Langer, Aiken of Vermont, and Tobey of New Hampshire) as the "New Sons of the Wild Jackass"[98a]; a leading Republican newspaper commented that "the so-called Republican majority in the Senate isn't a majority, because it comprises half a dozen different brands of self-styled Republicans";[98b] and the chairman of the Republican National Committee (Carroll Reece) felt obliged to issue a strong appeal for unity to Republican members of Congress. "Every Republican in Congress today," he wrote, "represents both his party and his individual constituency. It was the party which elected him. He is a member of a team, one which he joined of his own free will and with full realization of the responsibilities he was assuming. He has a vote, like every other member, in the selection of the captains of the team and, to carry the figure one step further, in the selection of the quarterbacks. A successful team is one which executes the signals called by the duly chosen quarterback. Differences of opinion as to the choice of a particular play are ironed out in the huddles before the plays are called, not afterward. Team play is the first essential of success, and it is just as important, if not more so, in the second half as in the first."[98c] Mr. Reece's appeal was not particularly effective, however, and the general Republican situation was pretty well characterized by the *New York Times*, which made a careful and rather sympathetic review of the work of Congress just before the meeting of the Republican National Convention, and concluded as follows: "The conclusion is that on the basis of the congressional experience of the past eighteen months one cannot tell what Republicanism now means. The Philadelphia convention will have to make up its mind. It cannot accept, endorse, and nominate candidates on the whole record. To do so simply would not make sense."[98d]

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[98] *Cong. Record*, vol. 93, pp. 10301–10302, (80 Cong., 1 Sess., July 26, 1947).

[98a] Beverly Smith, "The New Sons of the Wild Jackass," *Sat. Eve. Post*, June 7, 1947. Senator Tobey said on one occasion: "I've been a Republican for nearly 45 years. I'm no bolter. But I'm jealous of my party. I want it to be as clean as a whistle. I want it to deserve the commendation of the country for its uprightness"; and Senator Morse, replying to remarks by Congressman Clare E. Hoffman (Mich.), said that Hoffman "paid his disrespects to me and questioned my Republicanism. He judged my Republicanism, of course, on the basis of his conceptions of Republicanism. I surmise there is some difference between his and mine."

[98b] Editorial, "The House Stands Firm," in *Chicago Tribune*, Mar. 6, 1947; other vigorous editorials to this effect in the same paper are "The House Keeps Faith," Feb. 21, 1947; "Republicans on Trial," Feb. 26, 1947; "Renegade Republican Senators," Mar. 3, 1947; "Congress in Review," July 29, 1947. The Senators most regularly indicted for lack of true Republicanism were Morse, Langer, Aiken, Tobey, Cooper, with Vandenberg as "the most prominent offender" and "the most damaging of the lot," but frequently many others in both houses. A news story with a survey of the voting records listed 16 senators and 43 representatives "who bear the Republican label as the 1948 campaign gets under way, but helped destroy G.O.P. unity in the 80th congress." *Ibid.*, Sept. 5, 1948, Pt. 1, p. 5, cc. 6–7.

[98c] Editorial, "Party Responsibility," in *Republican News*, Mar., 1947, summarized in *N. Y. Times*, Mar. 3, 1947, p. 1, cc. 2–3, p. 19, c. 2. Senator Morse retorted: "Mr. Reece and the Republican machine for which he speaks want a return to the depression-causing economic policies of the Republican party of 1928"; and it was this retort that brought upon Morse the characterization from Shafer and others referred to above. "It is obvious

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from their record that no amount of pleas for regularity would ever move Senators Morse, Tobey, and Aiken. For them the issue is a fundamental one of clashing political ideologies, a conflict between what they call middle-of-the-road liberalism and Old Guard conservatism." John D. Morris, in *N. Y. Times*, Mar. 9, 1947, Sec. 4, p. E 7, cc. 6–7.

[98d] Editorial, "Eightieth Congress: To Date," *N. Y. Times*, June 20, 1948.

FOREIGN GOVERNMENT AND POLITICS

ADMINISTRATIVE SUPERVISION OF LOCAL GOVERNMENT: THE CANADIAN EXPERIENCE

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Canadian local-government institutions have been influenced by those of both Great Britain and the United States, yet they retain a distinctly Canadian character. Few residents of the United States have been acquainted with Canada's internal governmental problems, because there has been relatively little information available. Canada's top political leaders have been preoccupied with making Canada a nation, one prepared to take its place in world affairs. But what of the governments within the Dominion? The Rowell-Sirois Commission hearings and its reports in 1939 brought to the attention of many people the problems of dominion-provincial relations. More recently, the Goldenberg report in British Columbia brought attention to certain provincial-local relationships. During the 1930's, many persons in the United States became interested in the Canadian provincial boards of municipal affairs because those boards seemed to offer a means for disciplining improvident municipalities and maintaining good fiscal standards. Viewed in their full perspective, however, these boards and the departments of municipal affairs in Canadian provinces illustrate vital developments in central-local relations. Within the past forty-five years, Canadians have moved rapidly in developing the vast natural resources of the country and in building cities, towns, and villages. The spirit of local self-government has been strong, but at the same time there has been a need for guidance and assistance from a higher echelon of government.

The British North America Act created a federal system for Canada and gave the provinces full authority and responsibility for local government. To the provincial legislatures fell the task of determining what local government should be permitted to do. During the first period, from 1867 until approximately 1900, the legislatures dealt with local-government problems directly. Since then, they have delegated portions of that responsibility to the provincial executive and to administrative agencies as the number of municipalities increased and municipal problems became more complex.

I. LEGISLATIVE CONTROL OF LOCAL GOVERNMENT

The legislatures began by incorporating the more heavily settled centers by special act. Unlike the states, Canadian provinces have no fundamental law that stops them from enacting special or local acts to control particular municipalities. Quebec, for example, still finds it convenient to exempt a particular municipality from certain features of the general municipal law or give it some preference by special act. Ontario, however, set a precedent with its Baldwin Act of

1894 which classified municipalities within the province and extended to each class the powers deemed necessary for government therein.

In the eastern provinces—Ontario, Quebec, New Brunswick, and Nova Scotia—the county was interpolated between the province and the smaller rural unit, the township. Western provinces adopted a rural system based chiefly upon the township, known in the Prairie Provinces as the rural municipality. Cities, towns, and villages have been created in all parts of Canada to conduct urban government.

Canadian provinces, like our states, generally have followed the rule that power granted to the local units should be strictly limited and strictly construed and that additions to municipal power must be granted by specific action of the provincial legislature. This has tended to cause the municipalities, individually and as classes, to return to the legislature at each session for additions to or clarification of their powers. While this situation had its limitations, there were few glaring instances of the provincial legislatures abusing that position of power. Certainly the story is not comparable to that in the United States, where partisan legislatures have resorted to "ripper" legislation to defeat the efforts of municipal leaders. The British Columbia Royal Commission on Local Government made a strong point for legislative supervision of local government when it reported that annual sessions of the provincial legislature made it possible for that body to keep abreast of the current municipal problems in the province and to meet issues as they arose.[1]

Another significant feature in the Canadian provincial system is the parliamentary-type executive. Exercising nominal executive powers is the governor or lieutenant-governor, representing the royal authority. The provincial prime minister and his cabinet, selected from and responsible to the legislature, is the actual executive of the province. So far as municipalities have been concerned, the provincial cabinet provided leadership in introducing and guiding bills pertaining to a complete class of local governments. Special or local acts could be introduced at the petition of a city, town, or other local unit, and were usually referred to a regular standing committee on private bills. "Log rolling," a legislative procedure that has marred the history of the United States municipal government, was thus reduced in provincial legislatures, although not averted altogether. What was lacking in the Canadian system in the early period, however, was a minister designated to keep informed upon local-government matters and to foster the necessary legislation. What was "everybody's business" in a sense became nobody's business.

II. DEVELOPING MUNICIPAL LEADERSHIP

Municipal leadership developed from within local groups in Ontario in the 1890's, when the elected officials of many municipalities organized the Ontario

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[1] British Columbia: *Report of Royal Commission on Local Government* (1912). The Commission did recommend, however, that an inspector of municipalities be appointed to the provincial government to advise the municipalities, to assist in installing fiscal record systems, and to report to the province on municipal finances; and this recommendation was put into effect in 1914.

Union of Municipalities. To serve the newly expressed interest in municipal problems, a journal known as *Municipal Miscellany* was established in 1891. Later renamed *The Municipal World*, this journal has continued to serve. Political battles over utility franchises and regulation of privately owned utilities culminated in 1901 in the organization of a dominion-wide Union of Canadian Municipalities under leadership of the mayor of Westmount, an English-language suburb of Montreal, and the mayor of Toronto. Municipal officers in several provinces were disturbed over the dominion's policies with respect to railroads. Many were embroiled, too, with street railway companies, telephone, and electricity enterprises. The provincial legislatures often made special grants to utility companies against the wishes of locally elected councils. Municipal officials, aroused over these issues, found both the provincial and the dominion-wide union of municipalities attractive means for securing leadership. During 1905 and 1906, all the provinces except Quebec formed some type of union of municipalities.[2]

III. ADMINISTRATIVE SUPERVISION DEVELOPED

Two types of provincial administrative supervision developed, one based upon the assumption that the principal issue was regulation of utilities, the other implemented on the thought that a province should give general guidance to the development of its local governments. Professor S. Morley Wickett, of Toronto, and Mr. K. W. McKay, of *The Municipal World*, urged the municipal associations in the early 1900's to support the development of provincial boards of municipal affairs modeled on the English Local Government Board. There was considerable interest in these proposals, but the political issues surrounding utility control overrode them, particularly in Ontario.

In 1906, Ontario created two provincial boards that were to exercise considerable influence over local affairs. The Ontario Hydro-Electric Commission developed an enterprise to generate electric power and distribute it to municipally owned systems. Sir Adam Beck, one-time mayor of London, Ontario, became the driving figure in the Hydro and a stormy petrel in Ontario politics for many years. During most of the years while he was chairman of the commission, he was also a minister in the provincial cabinet. The Ontario Railway and Municipal Board, the second provincial body, in reality had two major functions to perform. In one capacity, it was comparable to a state utilities commission in the United States. It supervised street railways, intra-provincial railways, and telephone companies, reviewed municipal franchise awards, and adjudicated disputes between municipalities and the utility companies. The Local Municipal Telephone Act of 1908 gave the board control over the host of small rural telephone systems being formed at the time. In its other capacity, this agency was a provincial board of municipal affairs. For example, the committee on local bills in the provincial legislature made a practice of submitting all bills involving municipal finance to the board for recommendation. The board also passed upon annexations to municipalities and exercised a limited control over land subdivision. The Securities Act of 1908 gave the board authority to review municipal debentures; when thus validated, the debentures were immune from attack in the courts on grounds of irregularity. Previously, such validation actions had been taken to the legislature by local bill, thereby creating a large amount of special legislation at each session. Another function of the board was to review appeals taken from municipal courts of revision regarding assessment of property for taxation. The board was designed to be a semi-judicial body to sit in judgment upon disputes and to weigh applications by municipalities and persons for permission to conduct business subject to conditions laid down by the legislature. The board was outside the cabinet. It was not to lead a program of municipal improvement; rather, it was to decide cases within the confines of rules given it by the cabinet and the legislature.

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[2] Quebec formed one in 1918. The Canadian Union of Municipalities sponsored the journal, the *Municipal Review of Canada*, published in Quebec province. The *Western Municipal Review* has always been a private publication, but has been designated the official publication for unions of municipalities and associations of local officers in Manitoba, Saskatchewan, Alberta, and British Columbia.

Disputes between municipalities and the rapidly developing utility enterprises led several other provinces to create regulatory tribunals during this era. Quebec province formed the Quebec Public Utility Commission in 1909. In 1911, British Columbia created a department of railways headed by a minister with jurisdiction over lines operating within the province, including those in cities. A 1912 statute gave the B. C. minister of public works supervision over rural telephone services. Also in 1912, Manitoba introduced a public utilities commissioner to act as a court of record to adjust disputes between municipalities and utility companies and to enforce regulations regarding rates and services.

Provincial administrative guidance for local government really developed in the western provinces. Although Ontario municipal institutions and legal practices were transplanted in the west by Ontario men who became leaders in the public life of the new provinces, conditions were different in Manitoba, Saskatchewan, and Alberta, and required other solutions. Vast tracts of land were settled and developed as railroads opened the way. Except for a very few trading centers, local government had to be created as population came in.

Manitoba's municipal commissioner, an office created in 1890, is an interesting development. The commissioner was appointed by the lieutenant-governor to a seat on the executive council to control local public buildings, equalize assessments made by local governments, and apportion the expenses of operating judicial districts among the municipalities composing such districts. While this office performed few of the functions urged by Wickett, McKay, and others, it was the nucleus for later development in Manitoba.

Saskatchewan was the first province to establish a department of municipal affairs in the provincial government. This was accomplished in 1908, three years after the province joined the confederation. Alberta followed with a comparable organization in 1911. The commissioner—or minister, as he was soon termed in both provinces—was a member of the executive council, and the legislature granted him supervisory powers over cities, towns, villages, and rural municipalities in certain matters. He issued regulations relating to methods of accounting, recording, and auditing in municipalities and made additional regulations for guidance of municipal treasurers. He could inspect accounts and assessment and collection rolls. Electors in local units could petition him to audit the accounts of their municipality if they presented evidence of inefficient management. He could force a local council to dismiss the treasurer if the provincial inspectors found bad conditions existing.

Administrative organization in these departments of municipal affairs was simple, and the staff small. The minister was the policy-directing head, and a deputy minister appointed by the lieutenant governor-in-council for an indefinite term was in charge of the administrative work. Mr. John Perrie, first deputy minister in Alberta, was a most understanding and resourceful officer. His reports to the minister show a keen alertness to the factors influencing development of the province. In addition to the deputy minister, a small number of inspectors were appointed to work with municipal officials in the field, advising, inspecting, and aiding in every way possible to raise the standards of local government.

Two types of rural government came under the special tutelage of the department of municipal affairs in these Prairie Provinces: the rural municipality and the local improvement district. The first unit is nearly uniform in area—one well adapted to rural prairie conditions. Its governing body comprises a reeve and a small number of councilors elected for short terms. The key officer is the secretary-treasurer, often the only full-time employee, who serves at the pleasure of the council. The second unit is almost devoid of powers of self-government, not having sufficient population or taxable wealth to be a full-fledged unit of government. Most of its services are performed under direction of the minister of municipal affairs, although appointive advisory committees of local residents advise the minister regarding policies. Inhabitants of an improvement district may petition to organize as a rural municipality if they desire, although the added expense often deters such action.

At the time when these departments of municipal affairs were created, Alberta and Saskatchewan were experiencing "boom" development. Population had streamed in as railroads extended their lines into the provinces. Towns and villages had sprung up wherever stations were established to serve a farm area. The staffs of the new departments devoted a great part of their time to organizing new municipalities—giving advice, helping install accounting and record systems, explaining the laws. All along the way the provincial inspectors seem to have warned the cities, towns, and villages against plunging into debt and to proceed cautiously until the economic future of the area could be more clearly foreseen. But the advice fell upon deaf ears; "expansion" and "development" were the watchwords. Although the departments were not successful in controlling the expansion completely, they did bring sanity in many matters. Prior to the creation of the departments, many urban areas incorporated exceedingly large areas, throwing too large a tax burden upon farming lands and in turn causing tax delinquencies.[3] Departmental review of debenture by-laws eliminated illegal or unworkable features, and considerable attention was given to auditing municipal accounts.

Saskatchewan took a further step in 1913 by creating a local-government board to supervise local finance. This body was composed of three full-time members appointed by the lieutenant governor-in-council for ten-year terms. The local viewpoint was to be represented by an advisory board, one member of which was selected from the Association of Rural Municipalities and one from the Association of Urban Municipalities. The local-government board was given the following duties: (1) to pass upon applications by cities, towns, villages, rural municipalities, school districts, and rural telephone companies to borrow money by the debenture method; (2) to supervise the expenditure of borrowed money, if such were found necessary; (3) to manage sinking funds for such local units as wished to place them with the board; and (4) to require financial statements from the local governments. In passing upon the debenture requests, the board could inquire into the nature and necessity of work proposed, and examine the financial standing of the local government applying. An element of coördination appeared in the requirement that debenture applications involving water works or sewerage projects must be certified first by the provincial public health commission.

In the Saskatchewan plan, the minister of municipal affairs was recognized as a member of a cabinet selected on lines of party responsibility, whereas the local-government board was to rest upon more nearly a non-partisan basis. The minister was to concern himself with policy matters, move for legislation, and generally review the conduct of municipal administration throughout the province. The board had specific authority chiefly in the affairs of finance, and was to operate in a quasi-judicial manner.

IV. POSTWAR EXPANSION

Prewar development of boards and departments of municipal affairs in the Prairie Provinces attracted attention in other provinces, and as postwar problems pressed upon provincial governments there was a tendency to adopt similar devices. The postwar dominion grant to provinces to aid municipalities wishing to obtain housing for veterans and workingmen brought about further development of provincial organization to supervise and assist local governments. In 1918, the provincial government of Quebec announced that the pressure of municipal problems had become so great that it intended creating a department of municipal affairs. The provincial treasurer was given the additional title of minister of municipal affairs, and a deputy minister was appointed to direct the work of the new department. Choice of a deputy proved especially good. M. Oscar Morin, solicitor for the city of Quebec and a specialist in municipal law, was chosen and continued to serve until his death in 1934. In the same year when the department was organized, a union of municipalities was established; and this organization proceeded to work closely with the deputy minister.

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[3] John Perrie [duputy minister of municipal affairs of Alberta], "Departments of Municipal Affairs Prove Themselves," *The Municipal World*, Oct., 1919, pp. 151–155.

Quebec had a bewildering array of legislation, general and special, that only a specialist could untangle and in which lax officials could work at will. The province had attempted to bring uniformity into its local government by the Cities and Towns Act, 1903, but many municipalities had promptly escaped by petitioning a willing legislature for special acts. Many municipalities had gone too heavily into debt as a result of promoters' schemes; also a large number had given grants, tax exemptions, and preferred treatment to industries to win them from neighboring communities.[4] It was alleged that laws had been ignored in financial dealings and that auditing was often done by persons who could hardly read and write. Apathy among municipal voters in Quebec was often commented upon.[5] Between 1918 and 1923, the department surveyed municipal affairs and obtained legislation to require that (1) municipal by-laws proposing to borrow on debentures be submitted to a vote of the ratepayers, (2) the life of debts be limited, (3) local governments' debentures be approved by the department of municipal affairs, (4) municipal and school sinking funds be deposited with the provincial treasurer. The Union of Municipalities assisted in securing legislation giving the department of municipal affairs authority to supervise school board finance and debt affairs. In 1924, the government created a provincial bureau of auditing to supervise and to instruct local officers in that work. While the department proceeded slowly and waited to be invited to perform audit inspection, the union did much effective propaganda work.

During this same period, the deputy minister was busy assisting in the organization of rural local units. In this province, the work was particularly complicated. In most rural areas, the church parish was the basis for community organization, and many of these rural parishes had gained sufficient population to make civil organization desirable. Population growth also caused a re-subdivision of older, territorially large units into more compact parishes. This necessitated changing boundaries and reorganizing civil government. Some of this could be accomplished by the department of municipal affairs, but often the legislature had to be called upon to pass special legislation to clarify the legal status of reorganized units. The department could recommend to the governor-in-council that villages and rural municipalities be established by letters patent, but there were numerous applications that could not be dealt with by executive action. The legislature granted many petitions to create company-towns to provide municipal government in a wilderness area where a power company, an industrial or a mining firm, planned to develop a community.

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[4] The bonus problem was not exclusive to Quebec. Ontario and other provinces had been troubled with it for many years. Alberta forbade its local governments to give bonuses.

[5] T. D. Bouchard, in *Proceedings* of the Annual Convention, Union of Nova Scotia Municipalities, 1933. M. Bouchard was a local officer and member of the Quebec legislature for many years, secretary of the Quebec Union of Municipalities, and president of the Union of Canadian Municipalities in 1919.

Provincial administrative supervision was not always coördinated. In 1922, Quebec province, reorganizing its board of health, appointed a director of health and an inspector-general with powers to supervise and assist local units. Communities were encouraged to appoint health officers. Local water supply and sanitation systems were inspected and improved facilities requested. The director could and did order improvements; he could fine a municipality that did not come up to standard. The promotional and informational work brought encouraging results, but the fiscal laws were such as to put a counter-balance upon expansion. Borrowing for water or sewer systems had to be approved both by the minister of municipal affairs and by an absolute majority of the ratepayers resident in the locality. Even though the minister was eager to coöperate, apathy of electors often killed measures because a majority failed to appear at the polls.

Quebec province had problems in metropolitan government as well as in rural government. Some of the municipalities in the urban cluster around Montreal had an excellent record for financial administration, whereas some had a very poor record. It has been alleged that some of the suburban communities bonded themselves heavily for ambitious improvement schemes and then sought annexation to Montreal to gain the taxable wealth of the larger city. In 1921, the province set up an administrative commission to exercise financial control over cities in the Montreal area. One of the commissioners represented the provincial department of municipal affairs; the remainder represented cities in the metropolitan area.[6] This Montreal metropolitan commission has become a kind of over-all metropolitan financial control authority. Cities and towns in the area must apply to it for approval of bonding and fiscal schemes. In recent years, the commission's staff has devoted itself to planning and coördinating public works improvements for the metropolitan area. Some see it as a possible future integrated metropolitan authority.

During the 1920's, a new financial problem appeared in the Prairie Provinces. Rural taxation had been levied upon the basis of land values, buildings and improvements being exempt. Urban municipalities, however, had gradually raised taxes upon both land and improvements. The provinces had depended upon a dominion subsidy for most of their income since joining the confederation, but by 1917 provincial expenses outstripped those sources, and both Alberta and Saskatchewan levied a provincial tax upon land for the first time. Entry of the province into land taxation brought demands for equalization. In 1920, Manitoba created a three-member tax commission, appointed by the lieutenant governor-in-council, to supervise assessment administration, prescribe a uniform system, act as a board of equalization, do tax research, and advise the legislature. Reports to the legislature were submitted through the municipal commissioner. In Saskatchewan, a tax inquiry commission recommended in 1921 that a permanent tax commission be created as part of the department of municipal affairs. This was put into effect by legislation in 1922. The commission reviewed and equalized assessment rolls of rural municipalities annually, and reviewed those of urban municipalities once every three years. Alberta appointed a similar body to hear appeals from local boards, equalize assessments, and suggest to the minister regulations for guidance of local assessors. The minister could cancel a local assessment if the commission certified that the assessment was unfair and did not conform to law. Furthermore, the minister could direct the local council to dismiss an assessor if he were found inefficient. If the council failed to act within 30 days, the minister could act directly to dismiss the officer.

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[6] 11 Geo. V, ch. 140 (1921). Fifteen commissioners were apportioned: Montreal, 8; Westmount, 1; Outremont, 1; Verdun, 1; Lachine, 1; 2 between two groups of towns.

Assessment administration was not completely successful, however. The drouth that set in in 1929 affected the three Prairie Provinces heavily by disturbing the tax valuations. Demands for adjustment of assessment and taxation led to appointment of special investigating commissions.[7] Alberta tried to simplify its assessment administration by substituting a single provincial assessor for the three-member commission, retaining the latter as an appeal board. Provincial assessment inspectors were appointed and local assessors had to be approved by the minister of municipal affairs.[8]

V. DROUTH AND DEPRESSION YEARS

World-wide economic depression followed immediately the drouth in the Canadian wheat belt. The provinces permitted their local governments to borrow money for unemployment and farm relief until those units could carry the responsibility no farther. Then provincial and dominion governments took over the responsibility for unemployment relief. Distress of the taxpayers caused many to grow delinquent in paying taxes, thus throwing a greater burden upon those still paying. Under these circumstances, many municipalities found it next to impossible to pay interest and principal on bonds while meeting current obligations. Thereafter the question of how far the province should extend its responsibility to control financially weak municipalities became a subject of controversy in every province.

During the depression, provinces further institutionalized their leadership of local governments, developed an administrative program for dealing with municipalities in bankruptcy-default difficulties, and developed close administrative supervision of all local-government borrowing and debt administration. Provincial governments were concerned at that time entirely with rigid control of local finances. Relatively little attention was given to improving the methods and organization of local government. Only in a few instances was any effort made to train local personnel for better performance. Austerity was the watchword.

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[7] Alberta: *Report of the Alberta Taxation Inquiry Board on Provincial and Municipal Taxation* (1935).

Saskatchewan: *Report of the Commission of Inquiry into Provincial and Municipal Taxation* (1936).

[8] Manitoba adopted a plan in 1947 to integrate assessment administration under a provincial municipal assessor subordinate to the municipal commission. A municipal assessment and equalization board was to hear appeals. Local assessors cease to function except in those municipalities that the commissioner may exempt.

Quebec is an example of one approach to the problem. That province had many single-industry towns that were severely troubled. In 1931, the town of Rouyn became the first to default on its bond obligations. The department of municipal affairs had little authority to deal with such a problem, but it undertook to negotiate with bondholders on behalf of the distressed local units. The Quebec government moved quickly in 1931 to sponsor legislation creating a two-man commission with full powers to inquire into the finances of a municipality and to administer the affairs of any municipality that defaulted on its financial obligations. This municipal commission was authorized to act on its own initiative or on petition of the municipal officials or of creditors holding 25 per cent of the debt, and to apply to a judge of the superior court for a writ declaring a municipality in default. Proposals by any municipality or school unit to borrow money needed approval of the commission. Appointment of municipal auditors was subject to approval by the commission also. The deputy minister was designated one of the two commissioners, and thus was in a position to coördinate the work of the commission with that of the department of municipal affairs. The wide powers given the commission made that body in reality a special agency for bankrupt municipalities, and in a sense it became a representative of the bondholders. Bondholders did not have to organize to present a refinancing plan as they might have had to do for a court of bankruptcy. Legal costs were saved to all parties. By exercising tight control, the commission was able to reduce municipal expenditures to a minimum and increase collections. Bondholders were induced to accept a scaling down of debentures and to approve a refunding of debts.

Ontario and British Columbia reorganized the agencies they had created earlier to assist municipalities. The Ontario Railway and Municipal Board had not supplied the type of guidance desired by the minicipalities. In 1917, the province created a bureau of municipal affairs within the board to conduct research in municipal problems and to advise the localities. In 1932, when depression called for even greater leadership, the legislature authorized the lieutenant governor-in-council to designate one member of the Railway and Municipal Board to be commissioner of municipal affairs in charge of all municipal matters. The commissioner could prescribe accounting, auditing, and reporting procedures, and could direct the provincial municipal auditor to examine the fiscal records of any municipality. The reconstituted municipal board was given extensive authority over the debt arrangements of any municipality. In 1935, the organization was again revised and a department of municipal affairs created. The minister's authority extended to setting standards, directing the official study of municipal problems, advising on improvements, and directing the government's policies on local problems. The municipal board was located within the department, and was to conduct hearings and issue orders regarding debt settlement. British Columbia had installed a very rudimentary organization in 1914 under an inspector of municipalities who was attached to the attorney-general's office. The inspector assisted municipalities with accounting and auditing problems and advised on financial matters. Neither his authority nor his facilities were sufficient to carry on an extensive program. By 1934, a number of municipalities in the province had been declared in default and were administered by the province. Thereupon, a department of municipal affairs was created to act as the "recognized medium of communication between the municipalities of the province and the lieutenant governor-in-council." The lieutenant governor-in-council was authorized to assign duties to the department.

New Brunswick and Nova Scotia had no administrative supervision over local government prior to 1932, although plans had been discussed for several years. Both provinces examined the Quebec municipal board, but decided upon a ministerial organization with less drastic powers. In 1934, New Brunswick authorized the governor-in-council to appoint a commissioner of municipal affairs to operate under orders-in-council to prescribe regulations for and supervise municipal fiscal administration. Two years later, the government vested this responsibility in a minister of education, federal, and municipal relations. In Nova Scotia, the government worked closely with the union of municipalities in outlining plans for supervising and strengthening local governments. The Macdonald government that came into office in 1933 created an office of municipal affairs and named the attorney-general *ex officio* minister of municipal affairs. Thus, by 1936 all provinces except Prince Edward Island had organized provincial administrative institutions to supervise, aid, and direct local governments in financial matters.

Supervision of defaulting municipalities was handled in several ways. Saskatchewan was the pioneer, having outlined powers in the Local Government Board Special Powers Act of 1916. Upon petition of creditors representing 60 per cent of the indebtedness of a municipality, the local-government board was authorized to act as an administrative court to determine a plan for settlement of the debts. Upon application to a law court, creditors could secure the appointment of a trustee to manage the affairs of the defaulting community. In 1923, this act was replaced by another that permitted 25 per cent of the creditors to petition for a debt settlement. A refunding plan could be put into effect if 51 per cent of the creditors agreed to the plan. Powers of the board were extended and made more flexible so that it might order changes in assessments. Under the revised act, the board could apply to the lieutenant governor-in-council to appoint an administrator who would work under the board's direction to manage a defaulted municipality. Other provinces did not take up this example set by Saskatchewan until 1932. Quebec and British Columbia authorized the creditors or the municipal officials to petition the courts to decide if a municipality were in default. The court's judgment that there was a default permitted an executive agency to take charge of the municipality's affairs, assess property, collect taxes, direct local officials, set the local budget, and pay the bills from local funds. Manitoba, New Brunswick, and Nova Scotia permitted petition to the lieutenant governor-in-council to appoint an administrator for a municipality in distress. The minister of municipal affairs advised on the matter and might be designated to superintend the work of a local administrator. Ontario authorized application to the municipal board. Both Ontario and Quebec permitted the municipal board to make decisions in debt matters with all the authority of courts. Thus these municipal boards were developed as administrative courts of bankruptcy for municipal governments.

A more extreme form of administrative action was adopted in Alberta. In 1935, the provincial legislature granted its minister of municipal affairs authority to issue orders to a local council and its officers if one of his inspectors reported that such action should be taken in the public interest. The minister was allowed to remove local officials if his orders were disobeyed. A slightly more stringent act was passed in 1939 giving the minister authority to dismiss local councils and to appoint an administrator who was to have complete control of the financial policies and activities of the locality. This act made local councils completely dependent upon the attitude of the minister. The minister dismissed councils of a number of municipalities adjacent to the city of Edmonton and threatened a number of others.[9] Such discretionary power vested in a single political officer without guarantee for adequate hearing was criticized widely[10] and opposed by the union of municipalities in the province.

The pattern worked out pretty generally among the provinces was one of allowing administrative adjustment of local debt problems, preventing creditors from going into court. In this respect, the actions were sound. Canadian action differed from that of most of our states. Many states provided direct financial aid to pay local debts and did not require state supervision of local administration in return. Under Canadian federalism, the provinces did not have sufficient financial power to aid their local governments, and the dominion government felt that it could act only in a limited way. Debt repayment had to come from local tax sources if the debts were to be repaid. The dominion-provincial relations were not adjusted until later.

A long-existing question in local government is: How much authority should the local governing board be allowed in putting a municipality in debt for capital improvements? Canadian provinces began by setting a few rules and limitations by legislation and permitting the local boards full discretion within those bounds. When bad times found many local units defaulting upon their bonds, there was a general move to tighten the controls. In most provinces, when a department or a board of municipal affairs was created, that body was authorized to review all local proposals for borrowing (called debenture by-laws) to determine if all statutory regulations had been complied with and proper procedures followed. This reduced litigation and improved acceptability of municipal bonds on the market. During the 1930's, the tendency was to add to the powers of the reviewing authority to make it possible to judge the wisdom of putting out bonds. Specific authority was given to consider financial ability, need for construction work, condition of the assessment roll, etc. Another significant check was developed also in the popular referendum. Canada has used the referendum sparingly, but in working out a device for checking local councils the provinces have come to require that municipalities submit a debenture by-law first to the department or board of municipal affairs and then put it to a vote of the municipal ratepayers. Thus strong elements of central and local control are balanced.

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[9] *Western Municipal News*, Apr., 1939, p. 93.

[10] W. E. Mosely, "Preventing Municipal Default," *Public Affairs*, June, 1939, pp. 195–198. Union of Nova Scotia Municipalities, *Proceedings* (1940), p. 24. A committee of the Canadian Bar Association condemned Alberta's action as an attack upon freedom of municipal institutions.

VI. PRESENT-DAY DEVELOPMENT

Through four decades of dealing with current issues, the Canadian provinces have institutionalized the leadership over municipal affairs. The bankruptcy management of defaulted localities has been liquidated, and the severe retrenchments of the 1930's have been overcome. The test of the institutionalized leadership of departments of municipal affairs will lie now in how effectively they can develop imaginative programs to strengthen local government and administration. There are many promising indications. For one thing, there has been some reallocation of functions. The dominion has accepted responsibility for employment security and family welfare. Dominion health insurance is under consideration. The provinces now give categorical aids for mothers, children, aged, and blind. Likewise, the provinces have come to share more heavily in the cost of education.

A significant part of the reorientation of local government in Canada has been the development of larger units of government. Almost every province has done something about consolidating school districts.[11] New Brunswick and Nova Scotia governments have moved in the direction of adopting the county as the school unit. Alberta and Saskatchewan departments of municipal affairs have negotiated consolidations of rural municipalities in areas where thinly populated units cannot justify separate existence. The C.C.F. government in Saskatchewan has made a particular point of rural unit consolidation to develop a more vigorous rural government. Both Saskatchewan and Manitoba have made excellent progress in bringing health and hospital services to the rural areas by functional consolidation, grouping several municipalities in health and hospital districts. In 1944, Manitoba also gave the municipal commissioner wide authority to work out rural government in areas that had never been organized or in which local government had been disestablished during the depression. Greater flexibility was permitted to work out all-purpose units of government to fit the needs of individual localities.[12]

Recently, the provinces have demonstrated a definite interest in planning the physical growth of urban and rural communities. Thirty years ago, a wave of enthusiasm for planning led the provinces to pass planning acts and authorize local units to establish planning boards. Nothing much came of those efforts, because no staff was available to guide the planning and keep the spark of enthusiasm alive. Out of postwar planning for reconstruction has come a new effort. Local governments are authorized to appoint boards, survey local growth, present master plans, and develop zoning laws. In addition, a provincial department, usually the department of municipal affairs, is made responsible for guiding this work and promoting it. Departments, such as those in Ontario, have a planning section to assist localities in their work.

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[11] B. A. Fletcher, "A Century of Educational Organization, 1838–1939," *Public Affairs*, Aug., 1938, pp. 18–22.

[12] *Manitoba Statutes*, 1944, chap. 59.

Research in Canadian local government has received official status in a few instances in recent years. The Toronto Bureau of Municipal Research, founded in 1912 on the pattern of the New York Bureau of Municipal Research, has done good work in an unofficial position in that one city. The Ontario provincial municipal bureau set up in 1919 was a small beginning with official research. Its work has been carried on by the Department of Municipal Affairs. At Dalhousie University, the Institute of Public Affairs worked in close collaboration with the Nova Scotia and New Brunswick departments of municipal affairs to provide the research upon which governmental policies are constructed. Much research work has been done on dominion-wide problems by the staff of the extra-official Canadian Federation of Mayors and Municipalities.

Provincial ministers of municipal affairs, in coöperation with unions of municipalities, have worked to establish a local civil service, particularly for the rural governments. Nova Scotia has been especially active in organizing training courses at Dalhousie, first for finance officers and later for other specialized municipal personnel. Training conferences and publication of research material have been used extensively. The minister in that province has been keenly interested in establishing standards of competence for local administrative personnel. The deputy minister in Quebec began a series of regional conferences in 1942 for rural secretary-treasurers to explain the laws and to teach modern administrative ideas. The department also worked closely with the municipal journal. In Ontario, the municipal board has conducted short courses of training for municipal officials. In most of the provinces, the minister and deputy minister seek to work through the provincial union of municipalities to indoctrinate local officers in work improvement. In an increasing number of instances, the provinces examine and certify the technical competence of local administrative officers. Saskatchewan authorized its minister of municipal affairs to set qualifications for secretary-treasurers of rural municipalities as early as 1915, but nothing was accomplished until he was authorized to establish a board of examiners in 1931. Rural councils are required to employ only those certified by this board after a written examination regarding knowledge of municipal law, accounting, and secretarial duties. Ontario and Quebec require municipalities to employ as municipal auditors only persons who hold a license from the department of municipal affairs. The license is granted on the basis of a written examination. New Brunswick simply requires that a local auditor be appointed by the provincial minister. Manitoba and British Columbia have taken a most significant step. Both have established boards appointed by the lieutenant governor-in-council, on advice of the minister, to prescribe standards of qualifications and to conduct examinations for local positions, particularly for municipal clerks and treasurers. The statutes require that representatives of unions of municipalities and of municipal officers be included on these boards, which are rule-making bodies. Civil service, at least for recruitment and examination, has been worked out on a province-wide basis by coöperation of provincial and local interests. At last, the provinces have indicated substantial belief that an effective way to strengthen local government is to insure that it has capable administrators.

In conclusion, these provincial boards and departments have relieved the legislatures of much detailed work and have provided some informed leadership at the provincial level for solution of problems that require a broad outlook. An aggressive interest is manifest in improving the basis of local government and administration. At the same time, the provincial-local relationships have been kept relatively simple and have escaped the complications of the English system of administrative orders, orders-in-council, and other administrative-legislative control devices that enmesh local action.

NATIONAL DEFENSE AND DEMOCRATIC SOCIETY: A SYMPOSIUM*

I. NATIONAL SECURITY IN AMERICAN PUBLIC AFFAIRS

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I

Traditionally, American public interest in national defense has been sporadic, alternating between short periods of intense concern and longer periods of general indifference. Except for World War II, the only sustained military effort since 1789 was provoked by internal strife. American manpower ended the stalemate of World War I, but our participation was neither lengthy nor economically intensive.

We often forget that one of the first purposes motivating the Founding Fathers was to "provide for the common defense." Six of the eighteen clauses in Section 8 of Article I of the Constitution, defining the legislative authority of the new federal government, deal with military matters. It was no accident that in the early issues of the *Federalist* John Jay and Alexander Hamilton should have dwelt at length upon the defense requirements of the American states.[1] Properly, Hamilton was concerned also to demonstrate that under the proposed constitution the military would be subject to the civilian authority. As he put it,[2]

> "Independent of all other reasonings upon the subject, it is a full answer to those who require a more peremptory provision against military establishments in time of peace, to say that the whole power of the proposed government is to be in the hands of the representatives of the people. This is the essential, and, after all, only efficacious security for the rights and privileges of the people, which is attainable in civil society."

The new republic soon perceived that it enjoyed a fortunate geographic immunity from the European wars in which the colonies had participated before 1776. There was a flurry of military preparation during John Adams' administration, and the "war hawks" succeeded in inducing Congress to declare war on Great Britain in 1812. The ensuing land campaigns were prosecuted with as little success as preparation; only Jackson's postwar victory at New Orleans provided any military satisfaction to an otherwise dismal record.

Favored by the peaceful turn of European politics, the United States then settled down to a long period of tranquility interrupted only in 1861 by our own internecine strife. But the Union was no sooner preserved than the North disbanded its great military might in order to concentrate upon the rapid industrialization and exploitation of a continent. We had no need to maintain large armies; our military requirements were satisfied with small garrisons throughout the West to protect an expanding nation from the Indians. The Civil War Navy survived on a limited scale.

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* Planned and arranged by Fritz Morstein Marx, Washington, D. C.

[1] See Nos. 2-9, 11, and 26-29.

[2] No. 28.

Only in 1898 did the United States emerge as a world power. Against a decadent European country, our short, victorious war was primarily a naval achievement. Both facts were readily apparent to Theodore Roosevelt, who rightly came to be regarded as the maker of the modern American Navy. Our "first line of defense" became our sea frontier, and American military thinking was oriented toward war far from our own shores. It was unrestricted submarine warfare that involved us in World War I, although it is doubtful whether we could have been indefinitely indifferent to the power struggle in Europe. Between 1919 and 1939, the American Navy remained the primary element of the nation's defense; but national politics was again preoccupied with domestic matters, mainly economic. Once more there was no need for any large land force. Events since 1939 are familiar.

II

The "one world" of post-1945 has confronted our nation with strange circumstances. Our political life for the first time threatens to be dominated for a protracted period by concern for our national security.

The emergence of the United States as a world power must be attributed primarily to two factors: a large continental area richly endowed with natural resources, and technological development providing greater material possessions than those enjoyed anywhere else in the world. These, moreover, are the very factors which today make a nation potentially powerful as a military force in world affairs. We can no more abandon our military position than we can give up the automobile, the radio, the steel mill, or the research laboratory.

Yet our transformation into the world's most powerful nation came so suddenly that politically we are still trying to grasp its implications. Neither our past experiences nor our existing political and administrative institutions have prepared us to cope with the issues which now surround us.

For convenience of discussion, the problem areas of national security policy may be summarized under six headings: the nation's strategic objectives and means; actual as against potential defensive strength; the burden of national security measures upon our economy; assurance of continued technological advance; administrative organization to recommend and execute security policies; and finally, civil-military relationships. Here it is possible to do no more than suggest the importance of each general subject.

Strategic Objectives and Means. Our principal aim is peace. There is nothing in our political experience or tradition to suggest that we have any territorial ambitions. And while we have spoken glibly in the past about "making the world safe for democracy" and "spreading the advantages of the individual enterprise system," our prevailing political or economic philosophy does not encourage foreign expansion. The solutions to the economic problems of our own peculiar and indigenous capitalism will undoubtedly be sought internally, not externally.

President Truman's statement on January 5, 1949, at the opening of the Eighty-first Congress was simply a reaffirmation of many previous declarations by political leaders in the United States. First, he asserted that "our domestic programs are the foundation of our foreign policy." And then he declared: "The heart of our foreign policy is peace. . . . Our guiding star is the principle of international coöperation. To this concept we have made a national commitment as profound as anything in history. To it we have pledged our resources and our honor."

But such concern for peace is coupled with our determination for national survival. For us, the two are synonymous, although we often fail to recognize the fact. When we profess our desire for peace, we are saying only that we have no goals beyond our national boundaries to be achieved by military force. But we need to understand clearly at the same time that we hold equally to the objective of preserving our national status, even by the use of military force. Hence the central international issue of our time lies in this question: What measures are necessary to maintain our national existence? Public policy begins with an identification of the threats to our national position and a determination of the strategic essentials required to insure the maintenance of our existence.

We regard the Soviet Union as our principal menace. We are confused as to whether the dynamic elements of Soviet policy are based upon a concern for national survival, expanding ambitions for power, or an ideological fixation which refuses to accept any different social and economic system in the world. But, regardless of motivation, we observe external acts whose import is threatening.

From this situation emerge various problems. At what point territorially do we recognize a direct threat to our national safety? Is our frontier today the Atlantic, the Rhine, the Elbe, the Epirus Mountains, the Dardanelles, the Persian Gulf? Is it the middle Pacific, the far Pacific chain of islands, or the Asiatic mainland? Do we have a single frontier or a series of moving frontiers? If we have a series of moving frontiers, when and how do we recognize an act of aggression against *us?*

In a troubled world, geography acquires new importance. After the fall of France, President Roosevelt was much concerned about Africa. He saw the geographical limits of the Monroe Doctrine necessarily expanded to the west coast of the "dark continent." It was not accidental that in November, 1942, American forces alone attacked at Casablanca, while an Allied force sailed into the Mediterranean. In the Pacific, all during 1941, the most troublesome political issue was whether our government was to regard Japan's seizure of Hongkong and her move into the Malay Peninsula and the East Indies as hostile acts. The President and his advisers felt certain that Japan's action should be resisted by force. But how were the American people and their Congress to be persuaded? The Japanese accommodatingly included Hawaii and the Philippines in their attack.

Today, we face these same issues on a larger scale. If the Soviet Union were to invade and occupy Norway, do we have to go to war to preserve our own national existence, regardless of an Atlantic pact? If the Soviet Union attacks Turkey, is this a threat to the United States? These are not easy questions to answer, partly because of strategic uncertainties and partly because under our governmental system we usually make such difficult choices more or less unpredictably upon the basis of the excitement of the moment.

Our strategic position geographically is greatly complicated by another obvious factor. Communist infiltration and seizure of power in a country is different from Soviet external aggression. But how different? And is the first any less a menace to our continued national existence than the second? Generally agreed as we are upon "self-determination," will we be less ready politically to recognize potential strategic danger if, for example, Communists should seize power in France? These very complexities tempt some to fall back upon an unassailable and "objective" identification of national menace—direct attack upon our own land frontiers. But when we are ready to defend ourselves in North America only, we shall probably have lost the war.

If we decide to promote buffer areas between us and the Soviet Union, we face vital issues of means. In general, the questions are of two types. First, do we want to commit ourselves to support countries of friendly disposition to our own cause by economic assistance, military assistance, the dispatch of our own armed forces, or a combination of all three? Prior to the Atlantic Pact, to a large extent the exigencies of public policy have concentrated upon economic assistance, with only incidental attention to military assistance, notably in Greece and Turkey. Our troops are stationed, with minor exceptions, only in Axis territory which we have occupied—Western Germany and Japan. Despite the emphasis on economic aid, few of us realize, for example, how large a part American agricultural production has played in furthering our strategic ends. Confronted in peacetime by the prospect of unusable and unsalable agricultural surpluses, we have been exporting butter instead of guns in the hope that the nations thus benefited will find ways of strengthening their own defense against the dangers of Soviet aggression or Communist infiltration.

Secondly, in supporting buffer areas, are we indifferent to the type of local régime? Are we concerned only with the geographical factor? Provided that a state is strategically situated for our own defense, do we automatically afford it economic and military assistance? Do we shut our eyes to the internal power system of that state, if only its rulers profess to love us more than the Russians? What are our obligations to the ideals of a "free" people? In finding the means to protect ourselves, do we merely try to combat hostile force with our own force? Or do we strive also to bolster the cause of material and other benefits for the masses of other nations? Because our officials could no longer stomach the corruption of the Kuomintang régime in China, we slackened our support. Perhaps that decision does us more justice than our record in Greece. Shall we then embrace Franco's Spain?

Finally, what sources of information—how extensive and how competent an intelligence network—must we maintain as a nation to ascertain foreign intentions and dangers? All these questions barely begin to outline the great public issues which confront us today in deciding our strategic objectives and means.

Actual as against Potential Defensive Strength. The Civil War was eventually won by the North because of its industrial and manpower resources. But it took a long time to translate potential military strength into campaign success. In World War I, we discovered that it was possible in a little over a year to organize and partially to train some four million men in the armed forces, while getting needed production of munitions took longer.[3] Fortunately, our British and French allies could provide the American Army in 1918 with heavy guns, ammunition, airplanes, and other specialized military equipment.

The lesson of this experience was not forgotten. When the National Defense Act was amended in 1920, section 5a was inserted providing that the assistant secretary of war should assure "adequate provision for the mobilization of *matériel* and industrial organizations essential to wartime needs." This was the beginning of so-called "industrial mobilization planning" in the United States.

With the Nazi attack on the Lowlands and France in May, 1940, the first step taken by President Roosevelt was to activate the Advisory Commission to the Council of National Defense to begin immediate preparations for assisting the Army and Navy in procuring needed weapons. The Lend-Lease Act of 1941 did more than provide aid to nations resisting Fascist aggression; it called for further expansion of American productive resources to increase the output of war *matériel*. When Pearl Harbor brought us into the war, this country had enjoyed at least eighteen months of partial economic mobilization. That preparation enabled our armed forces to begin offensive operations on a limited scale nine months later; it was another twelve months before we were really ready to launch sustained attacks upon the enemy. Time is the key to effective utilization of productive resources for direct war purposes—provided, of course, a nation possesses the raw materials, plant, technology, and manpower in the first place.

Many military strategists remind us that in the last two wars the United States was distant from the initial point of conflict, was not immediately attacked, and so was afforded time in which to begin active preparations for defense. Next time, they say, the United States is likely to be the first object of attack in order to prevent this nation from having time to mobilize its industrial resources for prolonged warfare.

Others believe that present and foreseeable means of warfare would not enable the Soviet Union, for example, to strike effectively at the United States itself, but if bent on aggression that country might quickly overrun all of Europe. In the time it would take us to mobilize for war on the model of World War II, the Soviet Union would be able to increase its own strength considerably. By the time we were ready for large-scale effort, the task before us would be overwhelming. So this group, too, argues that the United States must be better prepared for immediate military action than at any time in our history.

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[3] See *America's Munitions, 1917–1918*, a report of Benedict Crowell, Assistant Secretary of War and Director of Munitions (Washington, 1919).

In his message to Congress on January 5, 1949, President Truman expressed the nation's general purpose in these words: "Until a system of world security is established upon which we can safely rely, we cannot escape the burden of creating and maintaining armed forces sufficient to deter aggression." In the light of this policy, government planners must then answer two questions. The first is: How large, and how well equipped, must the immediate armed forces of the nation be in order "to deter aggression"? The second is: What "stand-by" equipment, plant, and materials must the country maintain?

These, again, are not simple questions. Is a 70-group air force *now* more likely to deter aggression than a 48-group air force? How large an Army and Navy must we now have to fulfill our strategic decisions? The size of existing forces raises problems of equipment. Is the primary purpose of a 70-group air force to provide an immediate defense force, or is it to keep a combat aircraft industry in existence to meet future needs? Similar questions must be asked about the Army and Navy. Should our armed forces buy tanks and build aircraft carriers even if there were no immediate personnel to man them? How far is it feasible to keep certain munitions plants in existence for quick operation, even when not actually producing? And how extensive must be our stockpiling of raw materials?

Economic Burden of National Security. The questions posed thus far lead immediately into a third and more complicated set of policy issues. Americans should ever be mindful of Hamilton's observation that "the extent of the military force must, at all events, be regulated by the resources of the country."[4] The federal government's budget for the fiscal year 1950 as proposed by President Truman on January 10, 1949, provides 14.3 billion dollars for our armed forces and 6.7 billion dollars for international programs and commitments, including relief and reconstruction. This is about one-half of the total budget, and amounts to eight per cent of probable total national income.

Whether we like it or not, our country is confronted with the necessity for careful planning in its economic affairs. We can carry the burden of continuing large-scale economic and military measures for our national security only upon appropriate adjustment in the pattern of private and public spending. Rationing of scarce basic materials, various forms of price control, expansion of productive plant, export controls—all of these subjects are discussed in the President's Economic Report of January 7, 1949. Each relates closely to our present national security program. Yet as a nation we are still far from comprehending clearly the economic implications of our security requirements.

Continued Advance of Research and Development. Now that our knowledge of physics, chemistry, and even biology is being translated on a major scale into mighty weapons, the security of the nation must depend increasingly upon progress in basic research and application of new knowledge to actual implements of defense. In the past, apart from incidental contributions to research, we have not endeavored through the instrument of government to guide the nation's scientific and technological developments. Concern for our national security no longer permits such an attitude.

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[4] *The Federalist*, No. 28.

The Atomic Energy Act of 1946 begins with a basic statement of national purpose emphasizing "the paramount objective of assuring the common defense and security." The National Security Act of 1947 directs a Research and Development Board "to prepare a complete and integrated program of research and development for military purposes." This means that government itself must be used to insure that on a national scale we do not lag but constantly advance in basic knowledge of the physical world and in application of that knowledge to the needs of our national security.

On the one hand, basic research broadens man's insight into the physical universe. The number and competence of scientific personnel must be such that we constantly advance in general knowledge, expecting much if not all of this knowledge to have practical application for our material well-being. The proposals for a National Science Foundation, for example, rest upon the proposition that our society must give new and purposeful encouragement to training in research and to the pursuit of various scientific inquiries.

But this is only one part of the problem. General scientific knowledge must be applied to the development of specific military equipment with new and greater possibilities of effective use. In fact, much general scientific knowledge undoubtedly arises from inquiry into specific military problems, such as supersonic flight, rocket artillery, and jet propulsion. The proportion of scientific resources to be devoted to military efforts and the interchange of scientific data from military experimentation to general research thus pose basic governmental problems. Moreover, both scientific and military personnel must be prepared to determine when research and development have reached the point where new military equipment shall be used by troops, and when experimentation shall continue in the hope of obtaining still more effective equipment.

Organizational Problems of Policy-Making. It has become traditional in our political life to try to solve any acknowledged national problem by creating an administrative agency. The task of defining purpose and method in detailed terms is thus transferred from the legislative to the administrative arena. As a people, we have great confidence that somehow our administrative institutions, subject to popular, presidential, and congressional restraints, will develop "answers" to our most fundamental national problems. This practice is evidenced in the steps already taken to create new organizational forms with which to meet our postwar security problems.

One example will suffice. Experience in World War II demonstrated that our armed forces could not be divided into compartments, but that land, sea, and air forces must be effectively united in accomplishing military objectives. The National Security Act of 1947 tried to provide an organizational framework to apply this lesson. Only gradually have we come to realize that the solution thus far achieved under the act was less than perfect.

Many of us are lulled into a happy belief that merely because organizational outlines have been drawn up, national policies need no longer be a public concern. That various new organizational devices have been prescribed since 1945 gives no assurance that our national security is now provided for. Problems under discussion within administrative agencies are still public problems, and approval of both basic policies and the scope of operations must continually be sought and given through political processes. Then, too, organizational arrangements for the development of public policy may require alteration.

Certainly the National Military Establishment under initial arrangements has not succeeded in resolving ambiguities in the respective rôles of land, sea, and air forces. When the Secretary of Defense and the Joint Chiefs of Staff met at Key West in the middle of March, 1948, newsmen hastily concluded that grave developments in Europe were their concern. The truth was less exciting. The subject of discussion was how to settle Army, Navy, and Air Force controversies about their duties, especially in utilizing air power. A new organization in itself is no solution to a fundamental public problem, and alternatives of organizational arrangement are themselves a public issue. Defense organization will continue to give us much concern in the years ahead.

Civil-Military Relationships. Finally, we shall hear much in our discussions of national security about the subject of civil-military relations. In his letter explaining why he was not available for the Republican nomination, General Eisenhower no doubt expressed a generally accepted sentiment when he spoke of "the necessary and wise subordination of the military to civil power."

Problems of civil-military relationships emerged in two important settings during World War II. In the first place, at various times in the heat of controversy between the War Production Board and the procurement authorities of the War Department, the Army was accused of wanting to "take over" control of the economy. While there was little substance to these charges, disagreements persisted on policy and procedural matters between the WPB and the Army. Yet the basic division of responsibility was never challenged. The Army bought military supplies directly; the WPB determined the total volume of that procurement and expedited its delivery. Coöperation and adjustment in this arrangement were indispensable, and not always so freely given as was desirable.

Secondly, the great demands upon America's scientists to assist in developing the weapons of World War II brought forth a whole new experience in relationships. There were times when the scientists regarded officers as obtuse and obstructionist; there were times when military men regarded scientists as impractical and temperamental.[5] Security considerations often competed with the scientist's concern for exchange of data, and with his greater regard for professional recognition than for monetary compensation.

A conflict between military and political leadership over strategy was less evident in World War II than in World War I. On September 28, 1944, Prime

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[5] As one student has written, "It is to be hoped that in any future emergency the Services will not be hampered in even a few cases by men in key positions who have a blind spot where coöperation with civilian scientists in a civilian organization is concerned." Irvin Stewart, *Organizing Scientific Research for War* (Boston, 1948), p. 167.

Minister Churchill told the House of Commons: "In this war there have been none of those differences between professional and political elements that were such a large feature of the last war. We have worked together in perfect harmony." If some of the memoirs published since 1945 qualify this statement, they do not refute the generalization.

Some complaint has been voiced in the last four years about the military in various high governmental positions. Not only did the war years afford officers broad experience in large-scale administration of governmental affairs, but also since the war the military services have provided one of the most important sources of top career men in government. Military personnel have played a large rôle in government recently because they were often the only experienced persons able and willing to fill high public positions. Instead of criticizing military encroachments upon civilian administration, it is time we worried more about general government salaries and personnel practices, in order to build up the supply of civilian top career people.

But in a time when national security is such a principal aspect of our political life, we face a vital challenge in defining the rôle and competence of the professional military, while simultaneously utilizing their abilities to the fullest, and in promoting mutual confidence and collaboration between civilian authority and military leaders.

III

That the issues here outlined are in no way overstated is evidenced by the large number of important state papers on these subjects which have appeared in the past three years. If we ignore the writings—many of a high order—of publicists, of political and military figures, and of others, there remains a body of official documents covering a wide range of topics. It must suffice to do no more than refer to them.

In the field of scientific research, one must name Vannevar Bush's report to the President, *Science—The Endless Frontier* (1945), and the reports of the President's Scientific Research Board, the first of which is entitled *Science and Public Policy* (1947). On organization, we have the two Eberstadt reports, *Unification of the War and Navy Departments and Postwar Organization for National Security*, a print of the Senate Committee on Naval Affairs (1945), and *National Security Organization*, prepared for the Commission on Organization of the Executive Branch of the Government (1949). The report of the President's Advisory Commission on Universal Training, *Program for National Security* (1947), is one of the best statements thus far formulated on the subject of national security as a whole. Then there are the two aviation reports—that of the President's Air Policy Commission entitled *Survival in the Air Age* (1948), and that of the Congressional Aviation Policy Board, *National Aviation Policy*.[6] Finally, the basic documents underlying the European Recovery Program should be noted.[7]

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[6] Senate Rep. No. 949, 80th Cong., 2nd Sess. (1948).

[7] These are the *General Report* of the Committee of European Economic Coöperation

All of these official documents are government planning papers of great importance in the study of national security problems.

IV

One pressing concern today is the danger that our governmental machinery and our public discussion will fail to maintain a balance among all of these great issues. None of them is susceptible of isolated consideration and decision. Each must be examined in depth, to be sure. But all must be considered in combination, too. National security is, in the first instance, a problem of balance.

Secondly, as a people we are now to a larger extent than ever before dependent upon our political representatives and administrative leaders to understand these issues, to come to decisions, and to review results. Those outside the government may—even must—ask embarrassing questions and press constantly for answers. In turn, political and administrative officials will no doubt welcome extensive popular discussion, both to increase the comprehension of the difficulties they confront and to encourage action. Yet, in a society rich in diversity and individualistic tendencies, it is disturbing to contemplate how much of our future welfare, and even our future existence, must now depend upon the wisdom of one group—our political representatives and our administrative leaders.

How else can we make certain of that wisdom except by ever-expanding public debate of these vital national issues? Here is one of the great needs of our time. Yet it is uncertain whether a democratic society such as ours, made up of diverse, conflicting, widely differentiated, and innumerable constellations of political and economic power, can concentrate sufficient attention and preserve sufficient unanimity to insure proper consideration of our security problems. National security is the business of all of us today. But are we politically organized to make it such?

Thus far, Stalin and the Communists have been considerate of our needs. The blockade of Berlin, intransigence on the peace treaties, constant political agitation in many countries, violent verbal attack—these have been great contributions to American national unity and public concern for our security. It is a fortunate situation which correlates the need for national security with external pressure. Should the Communists relax the pressure—as they well might for tactical reasons—one wonders what would happen to public interest in our security preparations.

There is yet a third great consideration for our attention. Is adequate preparation for national security—with all its domestic implications—incompatible with the free play of democratic political processes and ideals? And who possesses the insight to answer so grave, so complex, a question?

One wonders whether prolonged and large-scale defense efforts through the

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(1947); the report of the President's Committee on Foreign Aid, *European Recovery and American Aid* (1947); *National Resources and Foreign Aid,* the report of the Secretary of the Interior (1947); and the *Impact of Foreign Aid upon the Domestic Economy,* a report by the Council of Economic Advisers (1947).

instrument of government will bring subtle, gradual, but far-reaching, alterations in the power structure of our democratic system. And is there any purposeful, rational way to avoid such change? Are we likely to impair the prospect of greater material benefits for ever larger numbers by devoting a sizable proportion of our production to national security? If great changes are likely to occur in the incidence of political power in our society, if the "promise of American life" to the individual is to be appreciably dimmed, then it is safe to say that our concern for national security may also bring with it the diminution, and perhaps even the eventual extinction, of American democracy.

National security has become the most important *single* concern of our political life. It will thus impose itself upon policy-making, public administration, and the functioning of the economy. It should be no subject for petty jurisdictional controversy either within the government or without. It demands our best thinking on a scale never before essayed.

II. POLICY FORMULATION FOR NATIONAL SECURITY

SIDNEY W. SOUERS

Executive Secretary, National Security Council

I

The National Security Council, created by the National Security Act of 1947, is the instrument through which the President obtains the collective advice of the appropriate officials of the executive branch concerning the integration of domestic, foreign, and military policies relating to the national security. An outline of the genesis of this new governmental agency will indicate in part its present rôle.

Even before World War II, a few far-sighted men were seeking for a means of correlating our foreign policy with our military and economic capabilities. During the war, as military operations began to have an increasing political and economic effect, the pressure for such a correlation increased. It became apparent that the conduct of the war involved more than a purely military campaign to defeat the enemy's armed forces. Questions arose of war aims, of occupational policies, of relations with governments-in-exile and former enemy states, of the postwar international situation with its implications for our security, and of complicated international machinery.

In the postwar period, the pace of events and their distressing direction sharpened the need for the creation of a mechanism to enable the executive branch to act quickly and judiciously in the face of problems involving our security and cutting across practically all fields of governmental responsibility. A step in this direction had been taken in 1944 in the establishment, by agreement among the Secretaries concerned, of the State-War-Navy Coördinating Committee. SWNCC—recently reorganized as the State, Army, Navy, Air Force Coördinating Committee (SANACC)—which made a significant contribution on the interdepartmental level toward coördination of policy, particularly with respect to the surrender terms and initial occupational policies for Germany and Japan.

In 1945, Mr. Ferdinand Eberstadt, in a report for then Secretary of the Navy James Forrestal concerned primarily with the unification of the armed forces, proposed a number of statutory agencies, one of which was the National Security Council. The report cited the fact that the British had improved their high-level policy coördination in the field of national security through the creation in 1904 of the Imperial Defense Council, now known as the Defense Committee. This proposal for a National Security Council was subsequently accepted in principle by the President and incorporated in his recommendations to Congress, which formed the basis for the National Security Act.

In the preamble to the act, Congress stated that its intent was "to provide a comprehensive program for the future security of the United States" and "to provide for the establishment of integrated policies and procedures for the departments, agencies, and functions of the government relating to the national security." The National Security Council provides the means for such integration.

"National security" can perhaps best be understood as a point of view rather than a distinct area of governmental responsibility. Picture a three-dimensional composite to represent national policy as a whole, within which national security constitutes a distinct segment. The three dimensions of the segment are domestic, foreign, and military policies, respectively. In this sense, national security is less than the whole of national policy in time of peace. In war, it may expand to become identical with national policy.

II

Against this background, the nature of the National Security Council may be understood in some perspective. Its members are the President, who is chairman, the Secretaries of State, Defense, the Army, the Navy, and the Air Force, and the chairman of the National Security Resources Board. Through the Secretary of State, considerations of foreign policy are integrated into the Council's advice to the President. The Secretary of Defense and the Secretaries of the Army, the Navy, and the Air Force bring in the military viewpoint. The Joint Chiefs of Staff make their views known through the Secretary of Defense. The chairman of the National Security Resources Board, whose membership includes most of the other members of the cabinet, brings the domestic aspects of national security to bear upon the Council's problems. Other members of the cabinet participate in the Council upon the President's invitation when any item under consideration directly affects their departments. The Secretary of the Treasury now sits regularly with the Council, at the request of the President. Thus the structure of the Council, with the President as chairman and with limited membership, reflects its functions. Although the whole cabinet is indirectly concerned with national security, restricted membership and attendance permit a focus at the highest level on this aspect of the President's responsibility.

Both the cabinet and the Council are parts of the President's immediate official family. As such, their use and operation in any particular instance are subject to the President's personal discretion and judgment. In fact, in exceptionally important matters, the President has on occasion sought the advice of both the entire cabinet and the Council. The Council's activities therefore are a supplement to, rather than a substitute for, the functions of the cabinet.

At present, when our national security is dependent primarily upon effective foreign policies, the Secretary of State assumes the leading rôle in the Council's affairs. Under these circumstances, the Council serves largely as a mechanism which ensures that our foreign policies are consistent with our military capabilities and our domestic resources. Participation by the civilian heads of the military departments, under the leadership of the Secretary of State, also furnishes a means for gearing our military establishment to our foreign and domestic policies, while enabling us to present a suitable military posture to any prospective aggressor.

The law states that the Council's function is "to advise the President with respect to the integration of domestic, foreign, and military policies relating to the national security." It should therefore be clear that the Council itself does not determine policy. It prepares advice for the President as his cabinet-level committee on national security. With complete freedom to accept, reject, and amend the Council's advice and to consult with other members of his official family, the President exercises his prerogative to determine policy and to enforce it. This staff concept, which is frequently overlooked, preserves the constitutional rights of the President, since the cabinet members and other executive officials have authority to determine national policies only as he delegates authority to them. The conduct of foreign affairs, for example, the Constitution vests in the President, not the Secretary of State. As for the military, the President again, by the Constitution, is the commander-in-chief of the armed forces.

Interdepartmental matters which, even though related to national security, can properly be resolved without reference to the President, the Council seeks to avoid. Furthermore, the Council has no responsibility for implementing policies which the President approves on the basis of its advice. The respective departments traditionally have carried, and continue to carry, this operating responsibility. Once a policy is determined, the departments are notified; thereupon they establish the programs and issue the necessary orders to military, diplomatic, and other officers.

The National Security Act specifies that the duties of the Council shall be:

> "(1) to assess and appraise the objectives, commitments, and risks of the United States in relation to our actual and potential military power, in the interest of national security, for the purpose of making recommendations to the President in connection therewith; and
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> "(2) to consider policies on matters of common interest to the departments and agencies of the Government concerned with the national security, and to make recommendations to the President in connection therewith."

The Council has assumed the first of these two duties as its main job and has accordingly directed its staff to undertake a long-range program of reports covering all important world areas and problems in which American security interests are involved.

III

So far, with respect to the Council's membership and its relationship with the President, only the basic structure has been described. The rest is provided under the Council's statutory authority to form a staff headed by a civilian executive secretary.

A word might be said here about the personal position of the executive secretary. He is appointed by the President and used by him as an administrative assistant. The executive secretary, an anonymous servant of the Council, operates only as a broker of ideas in criss-crossing proposals among a team of responsible officials. His proper functions demand that he be a non-political confidant of the President, and willing to subordinate his personal views on policy to his task of coördinating the views of responsible officials. As a staff assistant to the President, he maintains the President's files on Council business and briefs him daily on the progress of work in hand. The Council's files, of course, will remain for future administrations. They will provide another basis for continuity in national security policy, which has formerly been missing.

The Council's small staff, of which the executive secretary is the head, is housed in the Old State Department Building, next to the White House. It is organized into three general groups: staff members, secretariat, and consultants. The division is kept flexible to permit interchange of duties whenever desirable.

In organizing the staff, an effort has been made to steer a middle course between two undesirable extremes. If the personnel were entirely composed of permanent Council employees, there would be a tendency to reach "ivory tower" conclusions out of step with operational developments. On the other hand, if the personnel were solely officers detailed from the participating departments, unavoidable turnover might cause a loss of continuity. The staff, therefore, is a mixture of these two types.

Each department or agency represented on the Council has detailed one of its best officers to work on the staff. Because the Department of State is principally responsible for foreign affairs, it has also assigned a senior Foreign Service officer to act as captain of this team, a position called "staff coördinatŏr." Each of the departmental staff members works out of the office of the chief policy or operational planner in his department. Consequently, the Council's staff has ready access to the best facts and opinions available in each department.

In addition to these officers, a small nucleus of career personnel is being carefully selected both to supply continuity and to take the national or over-all point of view. The same group also serves as a secretariat in performing the usual services for the Council. In the interest of economy, however, straight administrative and housekeeping services for the Council are obtained through the appropriate branches of the Central Intelligence Agency, which is under the direction of the Council.

The third part of the Council's staff is comprised of representatives designated by each Council member to advise and assist the executive secretary in the conduct of Council business. Commonly referred to as "consultants," these are the chief policy and operational planners for each department. They have been Mr. George Kennan and subsequently Mr. George Butler for the Secretary of State, Major General Gruenther for the Secretary of Defense, Lieut. General Wedemeyer for the Secretary of the Army, Vice Admiral Struble for the Secretary of the Navy, Lieut. General Norstad for the Secretary of the Air Force, and Mr. Fahey for the chairman of the National Security Resources Board. Further links with responsible officials at the consultant level are obtained by the inclusion, as observers, of Rear Admiral Hillenkoetter, the director of Central Intelligence, and Mr. John Ohly, special assistant to the Secretary of Defense.

The staff of the Council has been authorized to initiate appropriate studies for consideration. This has been done for a number of problems. Usually, in such instances, the State Department member of the staff is requested to submit a first draft. Each staff member is called upon not only to represent fairly the opinion of his department or agency, but also to take the national point of view necessitated by a report to be put by the Council before the President. The staff, including the consultants, therefore offers a means whereby the responsible departments and agencies can collaborate easily and effectively in generating new ideas and constructive proposals.

The Council has also engaged special consultants from time to time for specific projects. These are usually qualified individuals outside the government service. An example is a group which the Council has designated to survey intelligence activities.

The budget request for the total expense of the Council for the fiscal year 1950 was $217,000, as compared with $200,000 appropriated for the fiscal year 1949. The full staff, clerical, messenger, and professional, is at present 31, approximately half of whom are currently on detail from the participating departments.

IV

There have been a number of approaches to the problem of how the Council should work. The sole touchstone for Council business, persistently relied upon, is that only those matters will be considered on which a presidential decision is required. Such a criterion is simple to state, but sometimes hard to interpret. Everyone is inclined to feel that his particular problem is so important that the President should consider it.

As a discussion forum, the Council has met a number of times; for example, on the Berlin situation. At such meetings, occasionally with the President present and with field officers like General Clay reporting, the Council has discussed developments, noted the course of action proposed by one department or another, and made recommendations to the President which he approved forthwith. There will undoubtedly be continued occasions for the Council to meet like this, without the formality of papers and preliminary briefing.

A good part of the Council's business has been undertaken at the request of one member or another. The Department of State may be faced with a difficult negotiation and ask the Council to recommend a position to the President. One of the defense departments may need a policy to guide a field commander in the face of an acute problem or in its military planning. Or a department not represented on the Council, like the Department of Commerce, might propose that the Council consider the bearing on national security of one of its problems and advise the President accordingly.

Still another procedural variation in the handling of Council business points up both the leadership of the Department of State and the flexibility of the Council's operations. The Secretary of State on several occasions has forwarded to the Council statements of current foreign policy toward one country or another. Such statements have been purely of an informative nature to Council members, with no action requested. Other members have felt free, however, to raise questions with reference to such statements. Several such documents have been discussed at Council meetings, with subsequent concurrence in them by the Council and the President.

Meanwhile, the staff has been working steadily on its long-range agenda, under which a series of area, country, and subject reports are being prepared. This schedule naturally is interspersed with current issues, but the latter are not allowed to sidetrack the long-range program. Advances are being made in both directions simultaneously. When completed, the whole series of reports will form a basis for a balanced and consistent conduct of foreign, domestic, and military affairs related to our national security and our present rôle of world leadership as well.

V

Council reports are so written as to arrive at a logical development of a proposed course of action. They are framed in such a way as to be an immediate and lasting guide for all who may need it. Beginning with a succinct statement of the problem: "To assess and appraise the position of the United States with respect to country or subject . . . , taking into consideration United States security interests," there follows an estimate of the situation in terms of objectives, commitments, and risks. The estimate includes considerations of foreign policy, military capabilities, and domestic resources. Frequently, the Central Intelligence Agency contributes a special intelligence estimate.

After an analysis of alternative courses of action, together with the possible reactions to each, the report concludes with the proposed policy in appropriate mandatory language suitable for the President to approve. If the proposed policy warrants it, the report calls attention to the fact that new legislation will be required. The executive secretary then adds a cover note where relevant facts are given about the origin and development of the report and its proposed manner of implementation. Perhaps this sounds rather complicated. Actually, the reports usually fill less than ten double-spaced typewritten pages. The proposed policy decisions in the conclusions normally run to no more than a few brief paragraphs.

Under present conditions, Council papers normally originate in the Policy Planning Staff of the Department of State. Sometimes the Secretary of State may approve these papers before transmitting them to the Council, in which case they go directly on the agenda for the next Council meeting for the immediate attention of the other Council members. Usually, however, they are forwarded as working papers to the Council's staff without commitment of the Secretary of State to a firm position, pending the integration of the views of the other members.

Such a working draft of a report is circulated to the Council members for information and simultaneously referred to the staff for the preparation of a report. The staff meets to analyze the facts and to reconcile differing views and opinions. Occasionally, representatives from agencies not represented on the Council are invited to assist. In several instances, technical experts outside the government have been called in for advice.

The staff report agreed upon is then sent to the consultants. These, it will be recalled, are the chief policy and operational planners in the member departments. They consider the report, perhaps amend it and concur in it, still without committing their respective departments through any formal or voting procedure.

Upon concurrence by the consultants, the report is circulated to the Council members themselves and placed on the agenda for the next Council meeting. For reports which have strategic military implications, the Secretary of Defense obtains and circulates the comments of the Joint Chiefs of Staff prior to the meeting.

At any stage in the preparation of a report, the executive secretary, at the President's direction or on his own initiative as a member of the President's staff organization, may refer a draft paper for advice and comment to another member of the President's staff organization. Included for such references might be the director of the Bureau of the Budget, the Council of Economic Advisers, and other assistants to the President generally recognized as part of the White House Office or the Executive Office of the President at large. Depending upon the subject and the circumstances of the problem under consideration, such additional advice might be considered first by the Council itself, in which case the Council would inform the President of the other agencies which had participated in the formulation of the report. In certain matters, the President might prefer to receive the Council's advice purely from the viewpoint of national security, and subsequently seek the views of other members of his staff organization. In any event, through daily briefings of the President, and through close personal contact with the President's staff organization, the executive secretary assists in appropriate coördination as the President desires.

At the Council meeting itself, the members discuss and act on the report on the basis of briefs prepared by their respective staff aides. When they are in Washington, the Council members themselves regularly attend. The only other attendants are the director of Central Intelligence as adviser, the director of the Joint Staff, Joint Chiefs of Staff, and an assistant to the Secretary of Defense as observers, and the executive secretary and his assistant.

The President does not attend regularly, in order that the other members may have a free discussion without the premature expression of the President's personal views. The fact can readily be appreciated that if the President were to say at a Council meeting, "I think thus and so," this would tend to discourage an easy exchange of views on the issues.

In the absence of the President, the Secretary of State, as senior cabinet member, presides at the meetings. If the Secretary of State is also away, the Secretary of Defense presides. Meetings usually last about two hours; for, in spite of all the staff work that has gone into the preparation of a report, normally at no stage have the Secretaries themselves been committed. Thus they are left free to give and take among themselves.

VI

On the basis of the Council's action, the executive secretary forwards the report agreed upon to the President, together with the views of the Joint Chiefs of Staff. If the report is one which the President has followed through its preliminary stages, he often approves the paper the day after the Council's action. On particularly broad or new proposals, he will take more time for study, analysis, or consultation with the full cabinet or other advisers.

His approval includes direction for the implementation of the policy arrived at, of which all appropriate departments and agencies are notified by the executive secretary. Where necessary, the implementation calls for the drafting of new legislation by the departments concerned, which is then coördinated interdepartmentally in the usual manner by the Bureau of the Budget before it is submitted to the Congress. Occasionally the Council is specifically directed to review a given policy after a certain period of time. To provide integrated execution and to keep the Council itself out of operations, the President has developed the practice of designating one department head as the coördinator of all implementation. This is normally the Secretary of State, because foreign affairs are usually the major element, and it is natural therefore that the State Department should quarterback the timing of action as well as public pronouncements. Furthermore, the Council itself has adopted a procedure which provides for periodic reporting back to the Council on the progress of implementation. The Council expects thereby to provide a channel for the consideration of subsequent questions of major policy that may arise as policies are put into operation.

All this procedure looks as if it might be time-consuming; and it rightly is so, wholly in the interest of due consideration of the various elements that comprise the formulation of basic policy. However, whenever the government has been faced with a need for speedy action, the Council, because of its flexible organization, has been able to move accordingly.

On one occasion, the military chiefs requested urgent action on a significant program of assistance to a foreign government. Equipment had to be supplied immediately in order to strengthen our own strategic security position. From the time of receipt of the request by the executive secretary to the time of approval by the President of the Council's action, exactly one week elapsed. In this brief interval, an extensive staff job was done.

This, then, is the mechanism which in a brief report produces integrated advice to the President on national security. The President, in reading such a report, can see at a glance the problem that evoked the paper, the factors taken into account, the course of action proposed, and where the responsibility for execution will lie.

VII

As of early April, 1949, the Council had taken over 200 distinct actions. While some of these were short-range decisions, others included long-range policies or a whole series of carefully outlined alternative courses in the event of various contingencies.

Actions included the approval of a series of broad directives for the Central Intelligence Agency, which the National Security Act established under the Council. The Central Intelligence Agency, the eyes and ears of the Council and the President for intelligence relating to national security, fulfills its function through periodic and special written reports, as well as by regular oral intelligence presentations on the part of the director of Central Intelligence at Council meetings.

The Council's actions have been taken at over 40 meetings and by informal memorandum approvals. The normal schedule calls for two meetings a month, with special sessions as need arises. There have been, of course, some divergencies of opinion during the consideration of various subjects. However, while no requirement exists for unanimity, recommendations from the Council to the President have almost always been unanimous; and of these recommendations, the President has, with only one or two exceptions, approved all without unusual change or delay.

Because of the necessary security classification of most of the Council's advice, and because such advice has no validity until approved by the President, little can be said specifically—here or in any other public discussion—of the current problems which the Council has under consideration or the policies which it has recommended to the President. This should not be interpreted, however, as an indication that the Council's formulation of policy is isolated from public debate, or that it offers an opportunity for irresponsibility. Each member of the Council is the statutory head of a responsible government agency, and as such is subject to the influence of public opinion. The Council is, and can be, no more than the product of interplay among its members. No new agent without accountability has been established with the power to influence policy. And in this connection it is well to repeat that the Council is merely the adviser of the President. It is the President, as the chief executive elected by the people of the United States, who is the maker of policy within the range of his constitutional responsibilities.

In summary, it can be said that the National Security Council, in the space of two years, has developed in the sphere of national security an increased sense of coherence, of teamwork, and of direction. While much remains to be done, at least there is now a place for coördinated consideration of our security problems. With its potentialities, the Council offers evidence of our ability to change our governmental structure in democratic fashion in order to meet changing conditions without departing from traditional principles. A strong, yet flexible, organism has been created to serve our needs during the coming years of doubtful international equilibrium.

The National Security Council should not be considered a panacea for all our international problems, many of which are not directly related to national security. It supplements the various departments having responsibilities in this field, since the Council's advice represents the collective wisdom of the responsible cabinet members and their staffs. Moreover, the Council does not and cannot obviate the necessity for efficient conduct by responsible departments of domestic, foreign, and military affairs related to national security, based upon policies recommended by the Council and approved by the President.

On the other hand, the most efficient conduct of these affairs will not safeguard our national security unless all departments concerned are striving to achieve the same clearly defined and well understood objectives. The formulation of such objectives is the fundamental rôle for which the National Security Council was created. As a result of the opportunities which the Council affords for comprehensive discussion and subsequent integration of the views of all responsible departments, the policies approved by the President on the Council's advice provide practicable objectives toward which those same departments can strive on a coöperative basis. The National Security Council is proving itself one of the most valuable means devised within the framework of our democratic institutions for protecting our national security and for safeguarding international peace.

III. THE NATIONAL MILITARY ESTABLISHMENT

WILLIAM FRYE

Assistant to the Secretary of Defense

I

The purpose of a military organization is to fight and win wars. This dictates its form, creates its methods, explains its nature. A military organization must be flexible in structure, but inflexible in discipline. It commands, and it must be commanded; but it also leads, and must be led. Its orders must be at once peremptory and persuasive, its authority unquestioned but openminded, not rigid.

It creates and uses a science of force and power, a machine of destruction; but it is not itself a machine, or mechanical. It calls upon every resource of the human intellect and heart, and its proper use is more an art than a craft or a science. For it is a synthesis of the ideas and emotions of men, and its greatest strengths and worst flaws are imponderables.

Required as it is to bend and shape its members to a single ultimate brutal purpose, a military organization might be expected to develop in them more efficiency of force than breadth of idea. Yet awareness and understanding of economic, social, and political problems beyond the scope of their professional skills are frequently found among American officers. It should be obvious, moreover, that discipline and authority—firm discipline and single responsible authority—are the inescapable methods of control. Without them, a military organization is useless in war and a menace in peace.

Existing for a single purpose, such an organization can, of course, generate in its members a belief that its own is the noblest of human purposes, so that war becomes a thing desirable in itself, and the destiny of the state to grow in power under the guidance of its warriors. Few American military men have embraced militarism, however, perhaps because the fear of militarism natural to a democratic and individualistic people not only has operated to keep the military organizations firmly under civilian control, but has inculcated in all generations of American soldiers and sailors the knowledge that they are the servants of the public—that they are answerable, in their single-mindedness, to the many-minded civilian and social purposes of the people.

But the public's fear of militarism has hampered the organization of the American military establishment since the republic was founded. That fear is perhaps more conscious and more vocal now than it has been at any other time since the debates on the Constitution. Unfortunately, it has worked even more strongly to prevent a proper military organization in the twentieth century than it did in the eighteenth, because the fear has flourished while the understanding of the nature of militarism, and particularly of its structural devices, has diminished almost to the vanishing point.

The concentration of power, and the authoritarian control of it, are inescapable in a military establishment. The people's problem, so long as military establishments remain necessary for their safety, is to separate things *military* from things *militaristic* in their thinking. There is always a latent political danger in a military establishment, as there is in any well organized and disciplined social group. But that danger is increased, rather than diminished, by adoption of the superficially attractive and promising method of splitting the internal control of the estabishment. Moreover, the purpose of the military establishment is injured, because it loses its efficiency as a fighting force; the public safety has less protection, and at greater cost.

This is not to say that command and administrative authority cannot be decentralized to functional segments of the establishment. On the contrary, delegation of powers is necessary to develop efficiency and flexibility. The rule here is that the powers must be *delegated* in the executive sense, not conferred by separate statutory creation. For only if the directors of segments are answerable to the central single executive for the discharge of their partial responsibilities can he be held accountable for the whole establishment.

It is relatively simple to devise an organization for a military establishment which will do well those things essentially civilian in nature—construction of barracks, design of ordnance, procurement of aircraft, purchase of supplies, shipbuilding, fiscal control, and the like. It is vastly more difficult to make certain that all of these activities are directed toward the ultimate end of military purpose. And yet, unless this end is served, the establishment is a failure; for, after all, a military establishment is not a business but a weapon, not a plow but a sword. The test of it is not its appearance in the scabbard, but its cutting edge.

The problems posed by these considerations have never yet been solved in the United States, and in all likelihood never will be solved completely; for the inescapable imperative of effective military organization is single responsibility and complete authority, which require continuous adjustment to the democratic imperative of civilian control. Unhappily, within the military establishment the organizational imperative collides also with established patterns which have the weight of tradition and the strength of vested interest to throw against any proposal for change.

II

The most significant change in the American military structure since World War II is that achieved by the National Security Act of 1947, which created several new agencies, both military and non-military, including a third military department, and brought the three military departments together in a single National Military Establishment.

The purposes and the functions of the National Security Council and of the National Security Resources Board are discussed elsewhere in this symposium. The National Military Establishment, the third major agency created by the legislation of 1947, is a loosely knit grouping of executive departments (Army, Navy, and Air Force) and staff agencies charged with planning and policy determination affecting all three (War Council, Joint Chiefs of Staff, Munitions Board, and Research and Development Board), the whole presided over by a Secretary of Defense. It is not a "Department of Defense"; is not, in fact, an executive department at all. The Secretary of Defense is designated as the civilian head of the military establishment, but specifically denied a military staff. He is charged with "general" direction, authority, and control over the three military departments, but deprived of administrative authority to exact compliance. He is required to present a single military budget, but with the heads of his subordinate departments granted specific authority to appeal his budget decisions to the President—which means, in effect, to the public. The fear lest one man be given too much power operated to give him too little. It probably will astonish even a casual student of administration to learn that some very substantial gains have been made under such unpromising conditions.

Four new organizations—or, rather, one new organization and three organizations with new statutory bases—are to serve as the principal staff agencies of the Secretary of Defense, along with the three (civilian) special assistants provided by the act and the growing offices which they head. These organizations are the War Council, the Joint Chiefs of Staff (and the Joint Staff), the Munitions Board, and the Research and Development Board.

All of these are planning and coördinating groups at the policy level. They are not operating agencies—that is, they do not train troops, command combat or service units, buy equipment and supplies, or otherwise engage in the direct management of the armed forces. Implementation of the policies approved by these groups is left to the Departments of the Army, Navy, and Air Force.

The War Council, topmost of the policy groups within the National Military Establishment, consists of the Secretaries of the Army, Navy, and Air Force, the Chiefs of Staff of the Army and Air Force, and the Chief of Naval Operations, presided over by the Secretary of Defense, who has the power of decision in the Council's discussions. It meets biweekly, and its sessions frequently are attended by officials of other agencies of the military establishment, or even of civilian departments if matters on the Council's agenda make their presence desirable. The chairman of the Munitions Board and of the Research and Development Board, the Secretary of State, the chairman of the National Security Resources Board, the director of the Joint Staff, and others, have participated from time to time in the War Council's meetings.

It is difficult to point to specific "actions" of the War Council, yet few if any of the important steps taken by the National Military Establishment or its component departments and agencies during the first two years of unification were decided upon without extensive and vigorous discussion in the Council. Such basic studies as those of the *ad hoc* committees on civilian components and on service pay resulted from the Council's determination of areas in which thorough study was needed to prepare a base for unified solution of problems affecting all the armed forces. Legislative proposals of first importance to be submitted to the President and to Congress, and the priorities to be given the various recommendations, are explored by the Council before a decision is made. So far-reaching a decision as that to establish the Weapons System Evaluation Group, which provides for the first time a means for assessing objectively and scientifically the relative value of different systems of attack and defense, could hardly have been made if there had been no War Council to overcome the differences, between alert and strong-minded men with single-service responsibilities, on the wisdom of submitting their varying and even conflicting strategic and tactical concepts to independent analysis and judgment.

The United States Joint Chiefs of Staff (JCS) was created in view of the American-British decision to establish the Combined Chiefs of Staff. This decision was made during the military staff conference in Washington, December, 1941–January, 1942. JCS became the United States representatives on the Combined Chiefs of Staff; there JCS was in large degree the counterpart of the already existing British Chiefs of Staff Committee. In addition, JCS also became the principal agency for coördination between the Army and the Navy, in this respect absorbing and expanding the functions of the Joint Army and Navy Board which had been in existence since 1903. Despite the inherent weakness (caused by the autonomy of the two services) of a group without an authoritative chairman and operating only by unanimous agreement, its success was so impressive that it was perpetuated as a statutory agency by the National Security Act.

Its members are the Chiefs of Staff of the Army and Air Force and the Chief of Naval Operations, and also the Chief of Staff to the Commander-in-Chief "if there be one." It is served by the Joint Staff of 100 officers drawn in approximately equal numbers from the three services, and headed by the director of the Joint Staff, who may be a general or flag officer from any one of the three services, but must be junior in rank to the members of JCS.

The province of JCS is military strategy. It must determine the basic missions of land, naval, and air forces; assess the probabilities, under varying conditions, of their ability to perform these missions; and prepare its strategic and logistic war plans accordingly. These plans—translated into broad terms of force requirements in armies, corps, and divisions; in fleets and task forces; in air forces, air divisions, and wings; together with the timing of their employment—are then sent to the Munitions Board for a careful determination of their logistical practicability.

The method here is for the Munitions Board to send the respective portions of the plan to the three departments, which establish the detail of the requirements, down to the last man in uniform and the precise number of rounds of small-arms ammunition. This mass of detail comes back to the Munitions Board, and there is translated into ship tonnage, machine-tool totals, tons of copper or of steel, plant capacities, armor-plate sums, man-hours of labor, transportation loads, electric-power demand, aircraft-fuel requirements, and so on. Assuming a Munitions Board determination at this point that the job is possible, there still remains the question of whether it is possible without serious repercussions on the civilian economy; and that question is put to the National Security Resources Board, which fits the projected military demand into its own assessment of total national demand and total national supply. Here, at last, the Joint Chiefs learn whether they have planned realistically in the light of economic limitations.

This incredibly complex and intricate problem is the primary responsibility of JCS, but not the only one. Grand strategy is more political than military. Strategic plans will vary, not only with varying assumptions as to possible enemies, but also with varying assumptions as to probable active allies; and the questions of allied staff and command arrangements have to be explored thoroughly. JCS must give military advice to the Secretary of Defense, the President, and Congress on military assistance to foreign nations; on the size and type of forces deemed desirable or advisable if the United Nations calls for military help; on military missions to foreign powers; on the military implications of regional security pacts within the UN framework; and on a host of other problems. None of these are minor except in relative terms, and all but a few originate in that realm of high policy where the attitude of the United States as a nation toward the rest of the world is involved. In addition, JCS must formulate the joint training and education policy for the services.

The Munitions Board is an enlarged and strengthened extension of the old

Army-Navy Munitions Board, given statutory basis and some important statutory functions, such as direction of the program of stockpiling strategic and critical raw materials. It has a chairman appointed by the President, and its members are the Assistant Secretary of the Army, the Under Secretary of the Navy, and the Under Secretary of the Air Force. It has a staff, headed by a military director and organized on functional lines. Broadly, it is responsible—either by statute or by direction of the Secretary of Defense—for policy-planning in the whole field of *matériel*, procurement, production, and distribution. This includes the military aspects of industrial mobilization planning; over-all industrial mobilization plans are the responsibility of the National Security Resources Board.

Some indication of the complexity of the work of the Munitions Board was conveyed in the discussion of the Joint Chiefs of Staff. It might be added that the Munitions Board is engaged in assigning to the various procurement services for emergency or war use the known capacities of several thousand existing industrial plants; in monitoring the compilation of a common catalogue of supply and equipment items by the three military services; in directing the preparation of joint and identical procurement regulations; in supervising the maintenance of a reserve of surplus war plants and machine tools; and in bringing about simplified procurement practices through a system of single procurement assignments, under which one of the three military departments buys all equipment of a given type for all user services.

The Research and Development Board, successor to the Joint Research and Development Board of World War II, has a civilian chairman appointed by the President, and six members, each of the three military Secretaries designating two. The National Security Act gave no guidance on the qualifications of the members, who have in fact been officers. It would appear desirable to reconstitute the membership so that it would consist of an Under or Assistant Secretary and one officer from each of the three military departments. Then, as in the case of the Munitions Board, the decisions of the Research and Development Board would be shared by the civilian executives directly responsible for implementation.

The job of the Research and Development Board is, not to engage in research, but to formulate policy and prepare an integrated program of research and development for the National Military Establishment. This involves allocating responsibility for specific programs and making recommendations to the Secretary of Defense for coördination of programs being conducted by the Army, the Navy, and the Air Force. The Board keeps the military establishment advised of current research trends. It is expected by its studies and its watchfulness to assure that constant progress is made in all militarily important research fields. It is responsible also for formulating the policy of the National Military Establishment on research programs outside the Establishment, and for advising the Joint Chiefs of Staff on the impact of developments on strategy and tactics. While much of its highly secret work is necessarily concerned with such dramatic weapons of the future as guided missiles, the Board is equally concerned with the increase of knowledge of human psychology and behavior, and with such prosaic subjects as communications and transport. It has a considerable permanent staff, and it also employs, by means of "panels," the talents of experts in many fields on a part-time or occasional basis.

III

The three departments of the National Military Establishment administer and command the military forces, the general nature of whose organization and operations in combat is sufficiently known to require little discussion here. The organization of the Navy Department, however, differs radically from that of the two other departments; and there are certain dissimilarities between the latter, although their organizations are essentially similar.

The Navy Department is composed of the Office of the Secretary of the Navy, the Office of the Chief of Naval Operations, the Offices of the Civilian Executive Assistants (the Under and Assistant Secretaries and the Administrative Assistant), and the bureaus and offices headed by the Naval Technical Assistants, including the Headquarters, United States Marine Corps.

The Secretary of the Navy exercises policy control over the Naval Establishment, aided and advised by the Chief of Naval Operations, who is his naval command assistant, and by the Civilian Executive Assistants, who are responsible for business administration and producer logistics. The Civilian Executive Assistants are located in the chain of control, functioning in their own right; and the Naval Technical Assistants (Judge Advocate General, Chief of the Bureau of Ships, Chief of the Bureau of Aëronautics, Chief of the Bureau of Ordnance, Chief of the Bureau of Supplies and Accounts, and so forth) represent an administrative level not found in either Army or Air Force departmental organization. They are technical advisers to the Secretary, the Civilian Executive Assistants, and the Chief of Naval Operations, (CNO) in their special fields; but they also manage and control their field functions and special activities in the Shore Establishment, being answerable for these functions to the Civilian Executive Assistants and through them to the Secretary, but not to the Chief of Naval Operations.

In effect, this divides the naval function at the shoreline, in the tradition of the Admiralty Office which took shape in the England of Samuel Pepys. CNO commands the fleet and determines its requirements, but the management of things ashore is outside his direct responsibility. There is considerable evidence that this organization results in more efficient management of the essentially civilian function of producer logistics. But its military weakness is indicated by the temporary extension of the authority of CNO in time of war in order to shift emphasis from business management to military efficiency.

Although now permitting much closer coördination and control, this organization, in its general outlines, is not unlike that of the War Department prior to 1903. In the old War Department, there was a sharp division between tactical and logistical functions. The Secretary of War exercised control over troops of the line, to the extent that he exercised any such control at all, through the

Commanding General of the Army. He supervised procurement and services through the chiefs of the bureaus—Adjutant General, Commissary General, Quartermaster General, and others—who were known as the "general staff." But no single officer or military staff coördinated the independent operations of the bureau chiefs, or fitted their collective measures to the needs or plans of the line forces.

The almost complete collapse of this organization during the Spanish-American War led to adoption of the General Staff system for the War Department in 1903. Elihu Root, Secretary of War, persuaded Congress to abolish the post of Commanding General and the autonomy of the bureaus, substituting a Chief of Staff as the principal military adviser to the Secretary, responsible for supervision, coördination, and control of both line and staff under the direction of the Secretary. The Chief of Staff was assisted by a small "General Staff," without command or administrative responsibility or authority, but acting as an investigating, a supervising, and particularly a planning group. The staff consisted of officers detailed temporarily from both combat and service units.

This is not the place to review the stormy history of the War Department General Staff. It is enough to say that the idea and the intent have survived to vitalize the military end-purpose of the entire Army and the War Department, and to carry over into both the Department of the Army and the Department of the Air Force the central aim of combat effectiveness and the principle of central responsibility and authority exercised through a single chain of command.

As organized now, the Department of the Army consists of a top layer of civilian executives—the Secretary, with an Under Secretary, and two Assistant Secretaries, who exercise delegated powers of the Secretary. Directly under the Secretary, and responsible to him, is the Office of the Chief of Staff, composed of the Chief of Staff, the Vice Chief of Staff, two Deputy Chiefs of Staff (one for administration and the other for plans and combat operations), the secretary of the General Staff, the Chief of Information (legislative liaison, public information, troop information, and education), and the Army Comptroller (finance, budget, management, and statistics).

The chain of command extends through the five General Staff divisions under their directors—Plans and Operations, Personnel and Administration, Intelligence, Organization and Training, and Logistics—to the technical and administrative staffs and services and the Army Field Forces, zone of interior (domestic) Army Areas, and Overseas Commands. Below the General Staff at the departmental level is the Special Staff—Historical Division, Judge Advocate General, National Guard Bureau, Executive for Reserve and ROTC Affairs, Civil Affairs Division, and Inspector General. The administrative staffs and services—Adjutant General, Provost Marshal General, Chaplains, and Special Services—are grouped under the jurisdiction of the director of Personnel and Administration; and the authority of the Secretary and the Chief of Staff over the technical staffs and services—Chemical, Signal, Medical, Ordnance, Engineers, Transportation, and Quartermaster—is exercised by the Director of Logistics, whose procurement and industrial planning responsibilities are discharged under the supervision of one of the Assistant Secretaries.

The administrative and technical services, organized vertically as corps or branches of the Army, are survivals of the old War Department bureaus. The absence of this vertical organization of such services in the Air Force is the most notable difference between the Army and Air Force staff systems. There are other differences too. Free of the statutory designations of duties and powers, as well as traditions, which have limited change in the Army staff, the Air Force has organized the general staff system on more functional lines.

Clustered around the Chief of Staff, the Vice Chief of Staff, and the Assistant Vice Chief of Staff, through whom the Secretary exercises his control of the Air Force, are a group of offices outside the chain of command. They include the (advisory) Air Board, the Inspector General (including Air Inspector, Air Provost Marshal, and Special Investigations), and the Scientific Advisory Board. Reporting directly to the Chief of Staff are the Comptroller and three Deputy Chiefs of Staff—for Personnel, Operations, and Material. Their level corresponds generally to that of the two Deputy Chiefs of Staff in the Army, although the latter have no functional organizations under their specific direction.

Grouped functionally under the Comptroller and the three Deputy Chiefs are the directors of 19 staff offices, which occupy the level of the five General Staff divisions in the Army. With the aid of this staff organization, the Chief of Staff of the Air Force exercises command over the eight continental commands of the Air Force and the six overseas commands (the latter, of course, being tactically under command of the appropriate theater commander). Theoretically, the orders are those of the Secretary through the Chief of Staff. But in actual usage a very practical view prevails, and the authority of the Chief of Staff is exercised directly by his deputies and their subordinate directors in the areas of their assigned responsibilities.

IV

Well or badly organized, with proper or improper emphasis, there does exist in the Departments of the Army, Navy, and Air Force the means of control of the power which resides in the military forces they direct. Great power is there, and it is essential to the general welfare that it be controlled, and firmly. Just as it has been difficult within each of the services to establish firm central and civilian control while preserving that military energy for which the forces exist, so—and to a greater degree—it is difficult to establish the control necessary over all three departments in a single military establishment. Just as service bureaus have struggled with combat commands for the real power—information and money—within a single department, so the three departments will struggle with each other for the main portion of the total power to be distributed within the National Military Establishment.

If this struggle were merely a vulgar scramble for appropriations and prestige, it might not be too difficult to end it by the apparently simple expedient, frequently recommended, of "knocking some heads together." But it is not so simple a thing as a struggle to maintain or enlarge a bureaucratic empire. That motive may be present, but it probably is seldom conscious. The contenders normally are high-minded men, of considerable ability, of great professional learning and skill, who happen to believe that they are right in their own views of strategic, tactical, logistic, command, and administrative purposes and methods.

The meaning of war, the nature of war—these do not change. But the methods of war change frequently, and in the present era they are changing, or appear to be changing, rapidly. The development of new weapons, the advances in technical development, the possibilities of chemical and biological agents as weapons, the use of nuclear fission for military purposes, improvements in aircraft and submarines, guided missiles, increasing knowledge of psychology—all these have induced a large amount of self-examination in the military forces and considerable debate on the conduct of war, including the rôles and missions of ground, sea, and air forces.

A multitude of factors enter into a decision assigning one of the basic missions of modern war to a specific military organization. Such decisions must be made on an endless number of problems, that of land-based or carrier-based aircraft for strategic missions being merely one of the more dramatic instances which happens to have caught the public's attention. Up to now, however, it has been necessary to decide them without trustworthy examination of all of the factors bearing on the problem. It is to determine these factors, to supply a solid basis for judgment, that the Weapons System Evaluation Group (WSEG) has been established. Created initially under the joint control of the Research and Development Board and the Joint Chiefs of Staff, it has passed eventually to the sole supervision of the Joint Chiefs, for the obvious reason that its purpose is strategic evaluation.

WSEG will be advisory only, without command, administrative, or planning responsibilities or authority. It may initiate studies, but must give priority to studies requested of it by the Joint Chiefs, the Research and Development Board, or the Secretary of Defense. Its problem? The validity of *any* system of attack or defense, existing or proposed, after thorough examination by experts, both civilian and military, of all questions involved in its use.

Assume the perfection of a long-range guided missile of great accuracy carrying an atomic warhead, which is one of the prophesied horrors of the future so cherished by the Sunday Supplement writers. What raw materials are required to produce it? How much time? How many man-hours of labor? How much plant area, what type of plant construction, what machine tools? What would be the electric power requirements, or other fuel demand? What storage facilities would be needed? What transportation would be involved—raw materials to plants, first fabrication to sub-assembly facilities, to final assembly, to storage, to launching sites? What size and type of crew will handle and launch the weapon? What special skills will be required for crew members, and are these skills sufficiently available in the population? How much crew training, by how many instructors? What would be the launching mechanism, and what requirements would be involved of the kinds listed here? What would be the psychological effect upon neutrals of the use of such a weapon? What would be the effect on the enemy—what destruction to be repaired, morale to be restored, hatred to be encountered after victory?

All these and still other factors are involved in the assessment of a weapon *system;* and it is the job of WSEG to give the National Military Establishment the basis for determining whether to develop existing systems, adopt new systems, or rule against them. The scientific method is being applied to techniques of *war-making* as well as to *weapon-making,* and the establishment of WSEG is unquestionably the most significant development in military planning since the National Security Act brought the military departments together in a single agency.

Substantial progress has been made in many other areas too. The most intensive study of all aspects of the military problem has been initiated since unification became effective. Never before have the questions of personnel policy, of administrative method, of the organization of forces, of economic, fiscal, and budgetary matters, received such thorough examination, both by officers and civilians of the military establishment itself and by experts brought in from within and without the government, on the establishment's initiative, to study and recommend.

V

The initial organization of the National Military Establishment was faulty, but any other organization must of necessity have been arbitrary. This, no doubt, is what former Secretary Forrestal meant by his frequent reiteration that true unification is a process of "evolution, not revolution." The *ad hoc* committee has been used freely in the new establishment. If its use is *ipso facto* a confession of the inadequacy of the permanent staff and the existing organization, it nevertheless can supply the basic studies to provide a foundation for the eventual organizational solution.

Thus, the device of the *ad hoc* committee has been employed to bring forth a comprehensive study of the use of the reserve forces; to plan the more efficient use of medical facilities and the inter-service exchange of medical services; to draft a comprehensive civil defense program; to reconstitute the Industrial College; to correlate Army, Navy, and Air Force policies on Selective Service; to make a complete study of the military pay systems and produce a uniform pay-scale for the services; to draft a uniform and modern code of military justice for the Army, Navy, and Air Force.

Personnel policies are basic to the success of the military organization, and in no other area is there less uniformity among the services. Most basic of all is the supply of manpower, which both conditions, and is conditioned by, the type of armed force to be maintained. The United States is committed against the maintenance of large standing forces which can be supported only by conscription. The national policy is to keep the regular forces small, and organize and train reserves in such fashion as to give them a reasonable degree of combat readiness against a potential Mobilization Day. A "citizen army" system can be implemented effectively only by universal military training, however, and this essential step toward a truly democratic military system is one the country thus far has been unwilling to take.

Historically, democratic peoples have relied on techniques instead of massed men for victory, have sought the edge of superiority in improved weapons instead of greater numbers. Historically, every improvement in weapons has brought a need for more, not fewer, men. Moreover, no developments achieved or in prospect eliminate the need for navies or the need for ground combat forces, not to mention the vast numbers of service and supporting units for naval, land, and air combat organizations. Unless the political nature of war has changed, and war has become a mere contest in destruction with no purpose or meaning save obliteration, there still are restraints on the exploitation of technical advantages in weapons. Men, if they will fight wars, will die in them, and die in contact with the enemy. They still will invade, they still will occupy the lands of a defeated enemy, they still will repair as best they can the physical and moral ravages of armed strife. The method of war is destruction, but its purpose still is to persuade.

Persuasion is, in turn, the true basis of discipline in democratic military organizations. There may have been a time in democratic states when small forces, composed of volunteers, could be molded by a peremptory discipline without explanation. If that ever was the case, it is not the case now, and has not been for many years. There must be discipline, and the man in uniform must respond without question to peremptory command. But he must understand the need for the compulsion, and accept it—he must be persuaded, in other words, that the discipline is not arbitrary, but the carefully calculated means to an end. The more readily he accepts it, the better his chance to survive the ordeal and share the victory.

This approach to the problem of discipline and morale in a democratic nation lies behind the many programs initiated by the armed forces to broaden the knowledge of their men, increase their understanding of the social, economic, and political forces at work in the world, provide more and better facilities for rest and recreation. Radio, motion pictures, service magazines and newspapers, correspondence courses, instruction classes, discussion periods—all are employed to make certain that the necessary regimentation for the techniques of war does not exceed its purpose and submerge the individual dignity of the man in uniform.

Nevertheless, for all the emphasis on social and political understanding, on a new approach to discipline, on a broader view inculcated in the "military mind," armed forces remain organizations whose primary purpose is to fight and win wars. The problem is to generate military power and energy in them, and to control that power.

An organization with obvious defects and flaws, the National Military Establishment, despite its structural shortcomings, has provided the basic studies which can guide an effective military department. The ground has been prepared, and the building can start. It is clear that the Secretary of Defense must have authority over the entire establishment, and not merely "general" but specific authority. It is clear that he must have a military staff, that strategic and logistical planning must be pulled together—to talk of strategic planning apart from procurement and logistics is, in this industrial age, to indulge in semantic nonsense.

The authority which was carefully divided in the original act must now be consolidated. If the time has not come to permit the Secretary, by administrative order, to change the basic structure of any of the armed forces, it still is imperative that his unquestioned authority over the forces be recognized. The responsibilities assumed by the Secretary of Defense are terrible in their implications; without authority, they are intolerable. A military house divided will not withstand a test of its stability.

IV. ECONOMIC MOBILIZATION

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I

Provision for national security requires planning in many fields—military, technological, political, and economic. Planning in the economic field is of special importance. The sustained striking power of our armed forces would depend to a large extent on our economic preparedness and on the speed and effectiveness with which the economy could be converted to war production.

Economic mobilization involves the marshaling and coördination of the nation's resources as an integral part of a total war effort. It means the conversion of thousands of factories from the production of civilian goods to the production of essential war items. Machine tools and other industrial equipment must be reconditioned and new machinery made and installed for the production of airplanes, ships, tanks, and guns. Facilities for the production of essential war-supporting products and services must be expanded, and the output of non-essential products must be curtailed. Allocations, priorities, rationing, and conservation measures must be imposed to assure the effective utilization of manpower, materials, production facilities, fuels, power, and communication and transportation services. These and other wartime measures must be accomplished with a minimum disruption of the civilian economy, lest they destroy the sources upon which the effectiveness of economic mobilization in a democratic nation depends.

In wartime, the actions and decisions of the government must necessarily control or influence what work people perform and the pay they receive, what plants will be built, what will be produced and consumed, and the prices at which goods shall be exchanged. Economic mobilization thus constitutes a major challenge to the free enterprise system. It involves an extensive sacrifice of traditional freedoms which can be justified only because this temporary sacrifice is essential to survival.

The discussion which follows reviews briefly our experience in planning for economic mobilization, the rôle of the National Security Resources Board in such planning, and the implications of security planning for a democratic society.

II

Prior to World War I, the United States did relatively little planning for economic mobilization. Although the Army Appropriation Act of 1916 created the Council of National Defense and provided for the appointment of an Advisory Commission to the Council, these bodies were not active until March, 1917, shortly before the United States entered the war. The Council quickly recognized the need for a central agency to coördinate purchasing. On March 31, 1917, it established the General Munitions Board, and later, on July 8, 1917, the War Industries Board. This latter board became the principal civilian agency of World War I; the Council declined in importance.

After the war, Congress enacted the National Defense Act of 1920, which charged the Assistant Secretary of War with the duty of planning for the mobilization of the country's resources against the contingency of another emergency. This function was delegated to a planning branch organized for that purpose in the War Department. Since no similar duty was assigned to the Navy Department, the Army-Navy Munitions Board (ANMB) was created by administrative action to coördinate mobilization planning of the two services. Between World Wars I and II, the ANMB concerned itself with making plans for controlling the national industrial effort in time of war and for coordinating military procurement, pending creation by Congress or by executive order of a civilian control agency in wartime. The results appeared in the Board's Industrial Mobilization Plan, the third revision of which was completed in 1939, shortly before the outbreak of war in Europe. It was a comprehensive plan, covering emergency legislation and wartime administrative organization, as well as procedures for coördination of military procurement, production, and distribution.

The Industrial Mobilization Plan of 1939, however, was not put into effect at the time this country entered the war. While many aspects of the plan were eventually carried out, the wartime organization which emerged differed considerably from that contemplated. The Advisory Commission to the Council of National Defense, revived in May, 1940, was succeeded in turn by the Office of Production Management created in December, 1940, by the Supply Priorities and Allocations Board set up in August, 1941, and finally, in January, 1942, by the War Production Board. Later, in May, 1943, the Office of War Mobilization was established in recognition of the need for coördination of the war effort at the top level. Despite this record of organizational improvisation, the economy was mobilized for war in a remarkably short time, and the tremendous output of war *matériel* was a decisive factor in the final outcome of World War II. Production goals were accomplished under conditions of government control; but the free enterprise system, although temporarily modified, emerged basically unchanged at the end of hostilities.

American experience with economic mobilization during World War II has provided a vast fund of knowledge, the meaning and significance of which have yet to be fully studied and understood for future guidance. A number of things, however, are already clear. Mobilization plans must be flexible, and subject to continual revision in the light of changing technology, strategy, and domestic and international conditions. They must provide for a smooth transition of the economy to the needs of war. Duplication in the activities of control and procurement agencies must be avoided. Provision must be made for extensive democratic participation in the development of plans. There must be widespread understanding of the nature and basic objectives of economic mobilization.

While mobilization in World War II placed a heavy burden on the economy, it did not require the full use of all our economic resources in support of the war effort. Indeed, the level of aggregate civilian consumption at the peak of war production, in 1943 and 1944, exceeded that of 1939. Another war, however, might involve a greater demand upon our material and human resources. The United States might be compelled to assume a more dominant rôle and to furnish a larger portion of the equipment and supplies needed by its allies.

Our geographical position no longer provides protection against large-scale loss of life and productive capacity from air attack. It is of the utmost importance, therefore, that we have available well articulated and up-to-date plans for mobilizing on short notice our armed forces, our government, and our entire economy. It is important also that those segments of the economy that cannot be quickly mobilized in the event of war be held in an adequate state of preparedness in time of peace.

III

It was such considerations that led Congress, in the National Security Act of 1947, to establish the National Security Resources Board.[1] The Board's responsibility is that of developing and coördinating policies and programs to assure the effective mobilization of our resources in case of war. More specifically, the Board is charged with the function of advising the President about the coördination of military, industrial, and civilian mobilization, including advice on policies and programs for the effective use of manpower and of natural and industrial resources; for the unification of resources mobilization activities of governmental agencies in time of war; for the strategic relocation of industry, government agencies, and essential services; for the accumulation of stockpiles of strategic and critical materials; for the determination of potential requirements for, and supplies of, manpower, materials, and facilities; and for the stabilization of the civilian economy in wartime.

The National Security Resources Board (NSRB) is strictly a planning agency advisory to the President. The Board itself consists of a chairman appointed by the President from civilian life, with the consent of the Senate, and the heads or representatives of departments and agencies of the government designated by the President to serve as members. Present membership consists of the Secretaries of State, Treasury, Defense, Interior, Agriculture, Commerce, and Labor. Since the Board has no operating functions, its staff is relatively small; as of June 1, 1949, it consisted of about 290 full-time and 40 part-time employees. Career government employees, particularly those with experience in mobilization agencies of World War II, form the basis of the permanent staff. Business men, industrialists, and experts in specific fields are employed largely on a temporary or loan basis. The organization of the staff is designed to assure effective achievement of the broad and important mission assigned to the Board. The following offices have been given responsibility for mobilization planning: Plans and Programs, Organization and Procedures, Production, Transport and Storage, Human Resources, Economic Management, and General Counsel.

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[1] The Board was created under Section 103 of the National Security Act approved July 26, 1947. Certain specific duties relating to national defense have been assigned to the Board under three other statutes: the Rubber Act of 1948, approved March 31, 1948; the Selective Service Act of 1948, approved June 24, 1948; and the Federal Aid Highway Act of 1948, approved June 29, 1948.

The Board's wide range of advisory responsibilities requires maintenance of close working relationships with other government agencies, particularly those concerned with security problems. Authority for cementing these relationships was provided in the National Security Act, under which the Board is to "utilize to the maximum extent the facilities and resources of the departments and agencies of the government." In addition, the President has directed that other agencies shall, upon request, furnish the Board with information, reports, statistics, and other data, and make studies and investigations of matters bearing upon national security.

Close coöperation is maintained with the other presidential staff agencies: the National Security Council, the Council of Economic Advisers, and the Bureau of the Budget. The chairman of NSRB is by law a member of the National Security Council. The Board participates with the Council in the appraisal of the objectives, commitments, and risks of the United States in relation to its actual and potential military power. The Council of Economic Advisers has provided the Board with advice on economic trends affecting mobilization planning, especially in the fields of economic stabilization, and has sought the Board's views on the magnitude and implications for the economy of national security programs both current and projected. The Board coöperates with the Bureau of the Budget in matters of joint concern, such as analysis of security programs in the budgets of other federal agencies, review of organizational arrangements for execution of security programs, and examination of proposed legislation. Collaboration with the Bureau of the Budget and other presidential staff agencies affords opportunity for synthesis of emerging policies and programs.

Close working relationships are maintained also with the National Military Establishment. Coöperation is particularly close with the Munitions Board, responsible for the military side of industrial mobilization. Agreement has been reached between the two boards on most aspects of their respective responsibilities. Arrangements have been made for collaboration in dealing with problems of mutual interest, and coördinated use is being made of industry advisory groups and committees. NSRB has assumed responsibility for certain activities heretofore carried out by the Munitions Board, including development of an over-all mobilization plan.

In accordance with the National Security Act, NSRB utilizes the facilities and resources of various departments and independent agencies. It works closely with groups outside of the federal government—business, labor, agriculture, the professions, and state and local governments. Individual experts and advisory committees provide the Board with a background of specialized knowledge and experience essential to sound planning.

In the brief period since NSRB was established, much of its effort necessarily has been devoted to building an effective organization, recruiting personnel, formulating basic assumptions and guiding principles, and developing programs of research, as well as handling current security problems which could not be deferred. As to its main task, the Board looks upon economic mobilization planning as the process of estimating the requirements or needs of war, of appraising the resources or means available to meet those needs, of measuring deficiencies, and of determining the steps necessary to balance needs with means.

IV

The scope and complexity of the statutory functions of the Board have required the formulation of a set of general principles for the guidance of its staff. These may be summarized as follows:

1. *Resources mobilization planning must be closely coördinated with strategic planning.* We must know what sort of war is envisaged in terms of strategy in order to plan intelligently for resources mobilization. It is equally true that strategic planning must rest on parallel economic mobilization planning. Economic limitations which cannot be overcome obviously call for an adjustment of strategic plans. Fortunately, this fundamental requirement for parallel planning has been recognized by Congress, which designated the chairman of NSRB as a member of the National Security Council. It has been further recognized through the staff liaison established by administrative action between NSRB and the strategic planning agencies.

2. *Resources mobilization planning must comprehend total national resources.* In an age of total war, all the resources of the nation—manpower, materials, facilities, tangibles, and intangibles—must be marshaled. Our society places supreme value on human life and on the dignity of man. A corollary is that wherever possible the burden and cost of war must be shifted to material things.

3. *Resources mobilization planning must attach equal importance to essential military requirements and to the essential requirements of the war-supporting industrial and civilian economy.* The two are equally essential. Neglect of either imperils the other.

4. *Resources mobilization planning must embrace detailed and continuous balancing of changing requirements against resources.* The fundamental factual basis on which the judgments of economic mobilization planning must rest

consists of detailed estimates of resources and requirements. This entails consideration of the factor of change.

5. *Economic mobilization must be flexible.* The controls which are necessary in total war to direct available resources into essential war production must be so designed and so administered as to take advantage, to the maximum degree possible, of the flexibility and efficiency inherent in our system of private enterprise. Likewise, economic mobilization must be flexible to meet changing conditions and unforeseen situations.

6. *Economic mobilization planning in peace and economic mobilization in war must be subject to predominant civilian control.* All the precepts and traditions of a democratic society support this principle. It is particularly important in the face of prolonged international tension.

7. *Economic mobilization planning must take into account the national welfare in peace—prewar as well as postwar.* Mobilization planning must take into account the limitations imposed by our resources. Absolute security is unattainable. Repercussions on the economy must be carefully weighed, not only in the prewar stage, but in the projected postwar stage as well. Likewise, mobilization planning should seek to harmonize its objectives and measures with the needs of a sound peacetime economy. For example, plans for strategic relocation of plant must, wherever feasible, be tied to the observable peacetime trend toward industrial decentralization and de-urbanization.

8. *Economic mobilization planning must be integrated planning.* Planning in all areas of resources mobilization must be consistent, must rest on uniform assumptions, and must conform to an over-all pattern. Economic mobilization planning must include more than a series of projects. It should result in the unfolding of a program which will enable the United States to make a speedy transition from peace to war, and to provide the means by which the output of the economy for war needs can be sustained at the highest possible levels during a war period.

V

Mobilization planning, by its very nature, must be a continuous process, to assure continual adjustment to changes in strategy, tactics, and the weapons of warfare, in technology in the international situation, and generally in our dynamic, free-enterprise economy. That process, however, must yield a flow of end-products to serve (a) as a basis for recommendations on the steps which should be taken to improve the readiness of the country against the contingency of war; and (b) as a basis for plans for a rapid mobilization of our resources in the event of war. The end-products may be stated under seven categories.

1. *Resources and Requirements Balance Sheets.* Fundamental to a program of resources mobilization planning is the constant balancing of supply and requirements—materials, finished products, components, facilities, fuels, power, transportation, manpower. In order to know what steps to take in mobilization planning, we must know the continuing relationship between resources and changing mobilization requirements in an age of technology.

As one example of planning in the resources-requirements field, NSRB, in coöperation with the Munitions Board and the Departments of Commerce, Interior, Labor, and State, is conducting a test of the economic feasibility of the strategic plans prepared by the Joint Chiefs of Staff. The Munitions Board has submitted to NSRB preliminary estimates of the military requirements of those plans for certain key resources—steel, copper, aluminum, petroleum, manpower. The civilian departments named are submitting similar estimates of essential civilian requirements, together with estimates of available key resources. These data, when analyzed by the NSRB staff and the staffs of the coöperating agencies, will enable the Board to advise the President whether the general level of requirements called for by the strategic plans can be met within the limits of the resources available.

Undoubtedly, there will be cases where the total requirements for some specific resource will exceed the potential supply. In such cases, it will be necessary to make adjustments in the proposed civilian or military use, or both—or to lay plans for making the resource available in greater quantity. Resource limitations that cannot be overcome will, of course, call for adjustment in strategic plans. Out of this feasibility test will come also a measure of the economic magnitude of a war effort, to serve as a guide to mobilization planning.

As a further example of planning in the resources-requirements field, a survey is being made by NSRB, in coöperation with 21 federal departments and agencies, of the country's resources in relation to the requirements during the fiscal year 1950 of the several national security and security-related programs. Interdepartmental committees are compiling balance sheets of total requirements—security and other—and estimated availability for each of 35 basic resources, including certain metals, agricultural products, and manufactured items, in addition to manpower, transportation, electric power, and fuels. The results will serve as guides to national policy. For example, they will indicate to what extent our physical resources will set limits to security programs; to what extent these programs can be accomplished without controls; and to what extent controls may be required to assure completion of the programs. The survey will also provide the factual background for current measures of economic readiness. As another activity, the staff is developing a comprehensive system for balancing resources with mobilization requirements in time of war.

2. *Economic Readiness Measures*. One of the end-products of mobilization planning by NSRB consists of recommendations to the President as to the steps that should be taken now, or over a period of time, to lessen our vulnerability and to strengthen our position. Among these readiness measures may be mentioned, as examples, the following: (a) measures to increase resources, and measures to maintain high capacity wherever essential to preparedness, such as increasing our power-generating capacity, our capacity to produce the basic metals, our exploration and development of minerals, and our capacity for fuel production; (b) measures to stretch resources, through substitution, redesign of equipment, pooling of machine tools, power interconnections, and other means; (c) measures to decrease vulnerability, such as relocation of

industries and vital services, dispersion of plants, duplication of key facilities, and breaking of transportation bottlenecks; (d) stockpiling of critical and strategic materials; and (e) building up plant and equipment reserves and machine-tool reserves.

3. *Framework of Economic Policies for an Emergency.* One of the statutory responsibilities of NSRB is to advise the President on programs for the effective use of all resources and for the stabilization of the civilian economy in time of war, including adjustment of the economy to war needs and conditions. These objectives require a framework of policies which cut across many areas of activity. Into such a framework must be fitted the various programs required to carry into effect resources mobilization.

These basic policies relate primarily to the fundamental necessity for allocating resources in order to maximize a war effort. Out of the underlying allocation policies stem the policies and programs for such matters as production and materials controls, price control, rationing, fiscal affairs, manpower, housing, transportation, agriculture, and foreign economic operations.

4. *Mobilization Plans for Industries.* The planning process includes the preparation and continual revision of plans for harnessing the resources of appropriate key industries and readying those industries to meet the needs of mobilization. Included among these end-products are plans for coördination of procurement; for allocation of productive facilities; for conversion of productive facilities to war work; and for construction of needed facilities.

5. *Controls, Methods, and Procedures.* Bringing all of our resources to bear upon total war cannot be achieved without recourse to those minimum mandatory controls required to direct resources into the channels of war production. All our resources in time of war must be directed toward turning out the amounts and kinds of goods and services which would enable the American people to throw against an enemy their maximum military and economic strength. It is, then, a task of resources mobilization planning to develop in time of peace the controls, methods, and procedures for doing the things that have to be done in a war emergency.

6. *Mobilization Legislation.* In such an emergency, NSRB must be prepared to advise the President about legislation, executive orders, and regulations designed to effect those policies and programs which mobilization planning has indicated as essential. Experience in two world wars has made clear that the peacetime powers of the executive branch do not suffice to meet the needs of resources mobilization in time of war.

7. *Organizational Plans for an Emergency.* A specific responsibility of NSRB is to advise the President on policies for unifying in time of war the activities of all federal agencies concerned with resources mobilization. These proposals must flow out of the detailed program planning in the various subject-matter fields.

VI

The statutory establishment of a civilian agency to advise the President on coördination of military, industrial, and civilian mobilization is a milestone in the history of our national security organization. It reflects the broadening appreciation of the importance of the economic aspects of warfare, and of the necessity of peacetime planning for resources mobilization as well as for military mobilization. Establishment of NSRB as a permanent agency in the President's staff organization, independent of the National Military Establishment, reflects the principle that coördination of planning for resources mobilization is properly a civilian responsibility, and one that must be discharged on a high level.

The philosophy of mobilization planning, both military and economic, rests on the premise that a state of preparedness is one of the means of lessening the likelihood of an attack upon us, and at the same time one of the means of increasing the likelihood of winning a war if we are forced into one. In the uncertain world in which we live, we can with prudence do no less than take appropriate steps to improve our economic readiness and lay plans for the rapid and effective mobilization of our resources in the event of war.

It must be clear to all the world that the American people are not preparing for war. Only an aggressor nation that has made the decision to wage war can direct all of its energies toward preparation for war. A free society, on the other hand, can plan only for those measures held necessary for mobilizing its resources *in the event of war*. Nor does the conscious national decision to plan against the contingency of war carry any implication whatever that war is inevitable or even probable.

On the contrary, it is abundantly clear that the fundamental program of the United States is one of planning for peace, not war. Despite the allocation of half of the federal budget to national security programs, it must be emphasized that our national effort is overwhelmingly dedicated and directed to the requirements of a peacetime economy and a world at peace. In this connection, the national security programs of more than $20 billion must be compared with a gross national product in excess of $250 billion.

The importance of democratic participation in the development of plans for resources mobilization is evident. Wide participation serves to assure the soundness of plans as well as the public support essential to their acceptance and implementation. It is vital that the people understand the philosophy underlying the development of mobilization plans, the reasons for readiness measures, and the probable impact of these measures upon the economy.

Twice in one generation, our lack of preparedness was interpreted as evidence of weakness, and thus served as an invitation to aggression. Today, under the mandate of Congress, enacted in the National Security Act, America seeks to stay strong as a deterrent to aggression. As a presidential advisory agency, NSRB helps to attain this national position. Acting in the light of advice from NSRB and other agencies, the President makes his recommendations to Congress. The ultimate decision as to what steps shall be taken in the interest of national security, including the extent of the authority to be granted the President, is reserved—as in all matters of basic policy under our constitutional system—for the elected representatives of the people.

INSTRUCTION AND RESEARCH

PUBLIC OPINION RESEARCH IN GOVERNMENT

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The actual use of polling techniques by the federal government falls far short of what one eminent social scientist, Julian L. Woodward, foresees for the future. He says: "Sooner or later, the government itself will have to go into the polling field and provide both its administrators and its legislators with adequate and sound information on what the public thinks. Eventually this sort of information will become as necessary as census data and will be provided by an agency with a reputation for unbiased research equal to that now enjoyed by the present Census Bureau."[1]

While the potentialities of public opinion research in the government have only begun to be exploited, administrators and even legislators, who characteristically have been more hostile toward polling,[2] have found methods of testing public opinion answerable to their needs. In accord with their purposes, they have used public opinion surveys to sample a small group of leaders, a large group, or the total population. They have been concerned also with content analysis of the press and of radio programs. The usefulness of attitude surveys was established particularly during the war and has continued since in a somewhat lesser degree.

In several cases, government agencies have devised methods which make possible the improvement of public opinion research. Since 1940, the Bureau of the Census has been developing sample theory and practice in the conduct of sampling surveys in connection with its regular activities.[3] The sampling survey has expanded the scope of operations without correspondingly increasing their cost, and has made possible the gathering of current statistics. Other methods advanced by the government for the development of public opinion research are the scaling techniques worked out by Louis Guttman in the War Department during the war[4] and the open-ended interview, or intensive surveying, which has characterized the work carried on in the Department of Agriculture.

Public opinion research in government reached its peak during the war when the urgent necessity for assessing changing public attitudes and activities fostered the growth of attitude research as a tool for federal administrators. This growth was made possible by the temporary abatement of congressional opposition to such programs. An interest in the contributions which these techniques could make to government started during the defense period and attracted an influx of attitude and opinion researchers from all fields into the federal service. Every major war agency at some time during the war was served by research organizations which developed. Many agencies themselves invaded the field. Opinion studies for the War Production Board were conducted by the Office of Civilian Requirements. The Army was served by the Research Branch, Information and Education Services of the Army Service Forces. The Navy Department carried on certain opinion surveys among its civilian employees in Navy docks and yards. The principal work of serving war agencies on matters of attitude research, however, was done by the Office of War Information and the Division of Program Surveys of the Department of Agriculture.

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[1] J. L. Woodward, "Public Opinion Polls as an Aid to Democracy," *Political Science Quarterly*, Vol. 61, p. 245 (June, 1945).

[2] Martin Kriesberg, "What Congressmen and Administrators Think of the Polls," *Public Opinion Quarterly*, Vol. 10, p. 333 (Fall, 1945).

[3] P. M. Hauser and M. H. Hansen, "Sample Surveys in Census Work," in Albert B. Blankenship (ed.), *How to Conduct Consumer and Opinion Research* (New York, 1936), 251–258; Sampling Staff, Bureau of the Census, *A Chapter in Population Sampling* (Washington, D. C., 1947).

[4] Quinn MacNemar, "Opinion Attitude Methodology," *Psychological Bulletin* (July, 1946); Louis Guttman, "Basis for Scaling Qualitative Data," *American Sociological Review*, Vol. 10, pp. 139–150 (Apr., 1944).

The Department of Agriculture had pioneered the field of governmental research on public attitudes as early as the mid-1930's. In 1939, the research unit which was charged with the work of exploring farmer attitudes became known as the Division of Program Surveys and was placed in the Bureau of Agricultural Economics. Dr. Rensis Likert, a psychologist who had been doing survey work for a life insurance company, was made head of the new division; and the division tried to translate its findings into usable material for administrators.[5]

Another type of public opinion analysis operation was done during the defense period by the Department of Justice. It had been started in connection with the enforcement of the Alien Registration Act of 1940. The Defense Unit, which was assigned to enforce the act, was headed by Keith Kane, a New York lawyer. In organizing the work, which was confined to the foreign language press and to organizations based upon foreign loyalties and attachments, Kane put into operation some techniques of propaganda analysis developed by Harold D. Lasswell.[6] These techniques emphasized content analysis and statistical presentation. Terms and sentences were systematically classified. Such psychological concepts as negative and positive identification, emotionality, intelligibility, and specificity were used in making classifications. Kane felt that if "themes" of Axis propaganda could be established by systematic classifications, subversive propaganda activities in the United States similarly could be uncovered. This method actually was used as evidence in a number of court cases.[7]

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[5] Hans E. Scott, "Attitude Research in the Department of Agriculture," *Public Opinion Quarterly*, Vol. 7, p. 287 (Summer, 1943), describes the methods as follows: "The major methodological problems, in brief, have been (1) to develop sampling methods which would give a truly representative miniature of the total population; (2) to tap complete and trustworthy expressions of attitudes toward specific topics or issues, and to secure such reactions in a uniform, reliable way from all people interviewed in so far as this was possible; and (3) to devise methods of analysis which would permit quantitative treatment of the data, and yet which would preserve the context of the rich narrative material.

[6] Bruce L. Smith, H. D. Lasswell, and R. D. Casey, *Propaganda Communication and Public Opinion; A Comprehensive Reference Guide* (Princeton, 1946); H. D. Lasswell *et al.*, "The Politically Significant Content of the Press; Coding Procedures," *Journalism Quarterly*, Vol. 19 (Mar., 1942); A. Geller, D. Kaplan, and H. D. Lasswell, "An Experimental Comparison of Four Ways of Coding Editorial Content," *ibid.*

In the months preceding Pearl Harbor, it became more and more apparent that the government needed a special program for evaluating public attitudes. It was urgent that the deficiencies of information policies on national defense should be discovered, that the gaps in the public's awareness of problems be realized, that groups with hostile attitudes toward the defense effort be identified, and that answers be found to other questions which arose with the prospect of war.

The agency designated by the President to perform the polling function was the Office of Facts and Figures (OFF). It was established October 24, 1941, by executive order "for the purpose of facilitating the dissemination of factual information to the citizens of the country on the progress of the defense effort and on the defense policies and activities of the government." Appointed to head the new office was Archibald MacLeish, Librarian of Congress. He brought Keith Kane from the Department of Justice to head the Bureau of Intelligence, to which were delegated surveys of public opinion, media analysis, and special "pulse-taking" activities. Public utterances and enemy propaganda also were to be analyzed. Five divisions were set up to carry out these functions: Surveys, Polls, Information Channels, Source Materials, and Panels.

Officials of OFF had far-reaching ambitions for the public opinion research activities of the organization, and the operation greatly expanded. A succession of obstacles and problems, however, were encountered. Because of its organizational set-up, the Bureau of Intelligence did not have very close contacts with operating officials and their needs. In a number of cases, surveys were initiated by officials far removed from the operating level who lacked a full concept of their ultimate use. Experience demonstrated that agencies which were going to use research materials wanted to be consulted in the planning stages of the work, and if they were not, they tended to disregard the results. The reports of the Bureau of Intelligence were circulated to a limited clientele. They were sent to the heads of agencies who occasionally were too busy to route them to the proper persons. It would have been better had they been sent to those most interested and most likely to use the materials collected.

A consultant to the Bureau of Intelligence was asked to study the work of the Bureau with particular regard to the Division of Polls' extensive interviewing, and the Division of Surveys' intensive methods. This consultant felt that the two methods were not contradictory, but supplementary. He indicated that he regarded highly the potentialities of the intensive method. He thought it best fitted for special studies, for exploratory work before questionnaires were formed, and for explanation of results. Since it was an expensive method, it should not be used for tasks which could be done just as well by extensive methods. He thought the Polling Division should avoid commonplace questions and too hasty analyses, and should use detailed interviews to improve its work.

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[7] United States v. George Sylvester Viereck, 130 Fed. 2nd 945, Sept., 1942, reversed by Supreme Court, 317 U.S. 618; United States v. William Dudley Pelley, 132 Fed. 2nd 170, confirmed by Supreme Court Feb. 15, 1943, 317 U.S. 5.

About the time when this report was made, the Office of Facts and Figures was absorbed by the Office of War Information (OWI) in accordance with executive order of June 13, 1942. The Bureau of Intelligence continued to expand for several months after its transfer to the OWI, but its reports had been used more extensively by top policy people of OFF than they were by the corresponding group of OWI. Archibald MacLeish had used the reports of the Bureau as his special contribution to White House conferences on subjects where the reactions of the public were important considerations.

The director of OWI, Elmer Davis, was faced with the problem of integrating public opinion research into his new operation. As a newspaper man, a writer, and a radio commentator, he preferred methods other than elaborate public opinion surveys.[8] Contrary to the OFF view, he felt that his agency was not charged with the maintenance of national morale.[9] His attitude indicated that there was likely to be an overhauling of the program of the Bureau.

The Bureau of Intelligence was attached to the director's office for several weeks; then it was put in the Domestic Branch under Gardner Cowles, Midwestern newspaper and radio station owner. Three different types of survey work were done by the Bureau of Intelligence in September, 1942, One was the intensive survey type conducted by the Program Surveys Division of the Bureau of Agricultural Economics on a contractual basis. The second was the extensive type conducted by the Polling Division of the Bureau located in New York, which used the field investigators of the National Opinion Research Center at Denver. The third was the impressionistic or "pulse taking" type, which was used to detect ground-swells in public opinion locally or sectionally threatening the war effort. These were largely a continuation of what had been done under OFF.

The OWI budget estimates presented to Congress in October provided for carrying on the work of the Bureau of Intelligence at a slightly higher level than under OFF.[10] When Congress passed an appropriation of two million dollars less than the requested amount, it was decided that the Bureau of Intelligence should take a large share of the reduction, and that the clipping service and the intensive surveying could be curtailed most easily. The latter was a very costly operation, and the consultants' report had recommended changes.

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[8] Comment of one of the outstanding men in the field of market research.

[9] U. S. Congress, House Committee on Appropriations, *Hearings on Supplemental National Defense Appropriation*, 1943, p. 387.

[10] U. S. Congress, House, *Hearings on the Supplemental National Defense Appropriation*, 1943, Committee on Appropriations, 380–381, gave an estimate of $871,390 for the 369 employees as of June 30, 1943. Other obligations of the Bureau were $878,912, making a total of $1,750,302.

Kane felt that intensive surveys should be made by his own staff rather than under the contract arrangement with the Department of Agriculture. As a consequence, the contract was cancelled on November 15.

Most of the survey work done by the Bureau of Intelligence was concentrated in the new Surveys Division. The establishment of the single Surveys Division meant that the studies of the Bureau were more closely integrated with OWI operations. The Division encountered difficulties, however, which were summarized by a member of the staff as follows: (1) The Division was compelled to devise its own problems. It was not close enough to operations. On the other hand, operators felt that only research which was immediately useful to them should be done. (2) It gathered only attitudinal data. Under the Bureau of Agricultural Economics, economic, social, psychological, and other materials had been collected. (3) Its recommendations were in terms of informational policy. If properly used, the Division could have acted as a staff agency to other war agencies in designing programs which would fit the pattern of people's thinking. Instead, they were told to ask such questions as "What did the people think about a given order or form?"[11]

The new Surveys Division combined the three types of surveys which had been conducted by different divisions of the Bureau in September. No change was made in the extensive polling arrangements. Intensive survey operations were minimized. The field staff was assigned permanent stations in order that it could conduct both the "pulse taking" type of survey and detailed special studies. The Surveys Division made an effort to carry out the consultant's report and to curtail the former over-ambitious program.

Another type of opinion study which originated in OFF was carried on in the Bureau of Intelligence under the Special Services Division. Correspondence panels had been organized to discover through leadership opinion motivations responsible for public attitudes and problems which might be developing.[12] The correspondents were chosen on the basis of their ability to express popular opinion, their willingness to volunteer, their occupation, their geographic location, numerous contacts with the public, sensitivity to community problems. Serving on panels were ministers, editors, Rotarians, farm leaders, social workers, business men, and labor newspaper men. They were asked to report public opinion in their own communities, and not to give their own opinions. They made monthly non-statistical reports and also answered special questions directed to them. The correspondence panels were one of the few functions which survived the dissolution of OWI.

The preparation of the 1944 budget estimates for OWI began early in 1943, and the Bureau of Intelligence was once more under fire. There was a rising tide of criticism of OWI in the press and in Congress. Sensitive to this, Gardner Cowles, Jr., Chief of the Domestic Branch, decided to keep the 1944 budget within the funds which had been appropriated for fiscal 1943. As he and his advisers were eager to expand the work of the Branch in certain directions, they had to cut other activities accordingly. The Bureau of Intelligence, because of its size and expense, was vulnerable. Furthermore, Cowles said that the private polling experts advised him that the Bureau's operations were too costly, and that more reliance could be placed on the findings of the commercial agencies. Cowles believed that public opinion research should not be directed toward the guidance of policy-makers, since OWI was not responsible for making policy. In the new budget presented in March, the Bureau of Intelligence, as such, was abolished and the activities it had carried on were reduced greatly. Kane submitted his resignation.

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[11] Interview.

[12] Elizabeth G. Herzog, "Pending Perfection; A Qualitative Complement to Quantitative Methods," *International Journal of Opinion and Altitude Research* (Sept., 1947).

Some of the operations of the former Bureau of Intelligence were continued. The Surveys Division was transferred to the Bureau of Special Services and its field staff for intensive interviewing was eliminated. Some of the activities of the other Divisions, including the correspondence panel work of the Division of Special Services, were transferred to a new Research Division located in the Bureau of Special Services. Intensive interviewing was one of the operations hit hardest by the reorganization. The consequences of this action were difficult to evaluate. The consultant felt that the extensive interviewing method did not reveal many of the nuances regarding such a problem as postwar world organization that were brought out by the intensive interviewing methods.

The Surveys Division continued during the fiscal year 1944 to render service to other parts of OWI. Then after the 1945 fiscal year hearings, Congress ignored Davis' pleas for funds to carry on the activities of the Surveys Division, refused to grant appropriations, and thereby abolished the public opinion surveys.

The Bureau of Intelligence, and later the Surveys Division, represented an attempt to apply the findings and techniques of social science to governmental information problems in a national crisis. It was an effort to unite public opinion research with operation in an important field of governmental activity. The decision of the top officials of OWI and later of Congress indicated that the particular form of union was vulnerable. OWI officials apparently were of the opinion that social science research in the field of public opinion analysis as carried on by the Bureau of Intelligence had insufficient benefits to offer. They did not feel that it justified its existence as an independent bureau spending more than a million dollars a year. The functioning research organization of OWI may not have been as efficient as it should have been. It was faced with operational problems, was expensive, and was not well known nor liked.[13]

As in the case of many such actions, the decision of Congress to terminate the public opinion surveys in OWI did not eliminate the activity from the government. Agencies such as the Office of Price Administration, the War Production Board, the Treasury, and others, continued to use the methods in their operations.

In the Research Division of OWI, a service was inaugurated which summarized public opinion surveys by other government agencies and by private industry. This service was continued by the Bureau of the Budget for a short time after OWI was liquidated on August 31, 1945. Other functions which survived OWI and were transferred to the Bureau of the Budget were the clipping service and the correspondence panel work which had been done by the Research Division. These became known as the Government Information Service. When the Office of Government Reports was reëstablished on December 13, 1946, in the Executive Office of the President,[14] it took with it the clipping service and information functions. Most of the vestigial remnants of OWI opinion research were abolished. Even the information activities had to be eliminated when the 1948 appropriations for the Independent Offices allowed almost nothing for the Office of Government Reports.[14a]

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[13] J. L. Woodward, "Making Government Opinion Research Bear Upon Operations," *American Sociological Review*, Vol. 9, pp. 670–677 (1944).

The functions performed by public opinion research had grown during the war. Uses were made of opinion research in regard to internal problems such as personnel, particularly by the Army and Navy. Other agencies used the methods principally on problems connected with the relations of the federal unit to the part of the public its programs affected. Opinion techniques were used primarily on information problems and problems connected with planning and appraising programs.[15]

When the war was over, public opinion research had to be directed into different channels. It had to be applied to the problems presented in returning to a peacetime economy, such as domestic issues, recruiting of service personnel, and foreign relations.

Although the scope of survey research activities since 1945 has been further affected by pressures for reductions in government expenditures, the techniques continue to be used in various parts of the government. Within the Departments of State, Army, Navy, Agriculture, Commerce, and other agencies, there are public attitude research operations. Even the legislative branch has made use of the polling device. In May, 1947, the Joint Committee on the Economic Report, in order to determine the need for further legislation aimed at achieving and maintaining a stable and high level of employment, the goal set by the Employment Act of 1946, requested Dun and Bradstreet, Inc., to survey a selected group in certain professions to determine their attitudes on the American economy.[16] Another example of a congressman's resorting to polling techniques was that of Senator Homer Ferguson of Michigan,[17] who surveyed the opinions of his constituents in Michigan on the Taft-Hartley Labor Law, the European Aid Bill, and other issues.

Public opinion research activity in the Department of State started about 1944 and has continued into the postwar period. It is handled by the Division of Public Studies in the Office of Public Affairs. The Division is responsible for reporting to American missions abroad, to American delegations to international conferences, and to policy officers in the Department, the state and development of public opinion on foreign policy questions. The reports are made from studies of editorial comment, clippings, polls, and other sources indicating public opinion. The Division follows the various public opinion matters in the international field, and makes reports to be used by the Secretary and his advisers as revealing public attitude on any of the matters with which they may be dealing.[18]

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[14] Executive Order 9809, Dec. 13, 1946.

[14a] Public Law 269, 80th Cong., 1st Sess., 1947.

[15] Angus Campbell, "The Uses of Interview Surveys in Federal Administration," *Journal of Social Issues*, May, 1946, p. 14–22; W. A. Nielsen, "Attitude Research and Government," *ibid.*, pp. 2–13.

[16] "Survey on Business Expectations and Governmental Policies," prepared by Dun and Bradstreet, Inc., for the Joint Committee on the Economic Report, May 23, 1947.

[17] Release from Sen. Homer Ferguson's office, Jan. 26, 1948.

The attitude research studies in the Department of the Army, conducted under a mobilization regulation during the war, proved a satisfactory operation. They were developed by the Research Branch of the Special Services Division of the Army. Care was taken to see that projects undertaken were well-defined and to bring together the research analysts and the persons who were to use the research. Such matters were investigated as the relative effectiveness of different athletic training programs, the attitudes of soldiers toward different branches of the Army, and the extent to which men were placed in positions in the Army for which they were fitted by civilian training. Action frequently followed the findings of the studies. For example, when the report of the study on the athletic training program was received, General Marshall issued an order making the preferred program the official one of the Army.

Army Regulation No. 85–50 of December 19, 1947, established the opinion research activities in the Troop Attitude Research Branch of the Troop Information and Education Division, Special Staff, United States Army. To the chief of the Troop Information and Education Division, it gave the responsibility "for formulating policies and procedures for the planning and conduct of troop attitude and opinion studies throughout the Department of the Army, and for the planning and conduct of such studies pertaining to the Department of the Army as a whole." A staff "particularly qualified in the field of attitude and opinion research" was set up for the purpose of planning and conducting attitude and research studies "to provide an accurate method of determining over-all opinions, attitudes, and plans of large bodies of personnel; to measure the extent to which physical, mental, and moral factors are related to opinions and attitudes; and to obtain reliable information and data upon which to base command and staff decisions."

The Department of Agriculture is another agency which has continued its attitude research activities on a high level since the war. Its Bureau of Agricultural Economics was reorganized during August, 1946, under Clinton Anderson, Secretary of Agriculture. Attention was focused on making the Bureau the central statistical and economic research agency of the Department. The work previously performed by the Division of Program Surveys became known as the Division of Special Surveys.

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[18] U. S. Congress, House, Committee on Appropriations, *Hearings on the State Department Appropriations Bill*, 1947, p. 69; U. S. Congress, *ibid.*, 1948, p. 200; Commission on Organization of the Executive Branch of the Government, *Task Force Report on Foreign Affairs* (Washington, D. C., 1949), p. 80.

The intensive interviewing operation was given impetus by the Agricultural Marketing Act of 1946, which directed the Secretary of Agriculture "to conduct, assist, and foster research, investigation, and experimentation to determine the best methods of processing, preparing for market, packaging, handling, transporting, storing, distributing, and marketing agricultural products." It directed the surveying work at discovering means of increasing consumption of agricultural products capable of being produced in abundance. With this end in view, consumer preference surveys have been made on such matters as the use of potatoes, and on the preference of the public for synthetic fabrics as compared to cotton.[19] The surveys are made in coöperation with state agricultural experiment stations and the federal and state extension services. The extensive surveying techniques used by the Division of Special Surveys also are being experimented with by the Division of Farm Statistics, which uses personal interviewing of a sample of farmers to determine living facilities, livestock inventory, and farm income.

A survey was made for the Federal Reserve System upon the request of the Board of Governors by the Division of Program Surveys in the first quarter of 1946.[20] The Board wanted to get factual information on the distribution of liquid assets—currency, bank deposits, and government securities—accumulated in large volume during the war, and on the uses people expected to make of them. Such information they believed would be important in indicating the course and level of business activity and the cost of living over the ensuing few years.

Service to other agencies is available through the Bureau of the Census in the Department of Commerce. Among the many forms of sampling it uses are the current sample surveys made every month in order to prepare a Monthly Report on the Labor Force. The staff which does this work also makes many special surveys. During the recent voluntary food conservation program sponsored by the government, supplemental questions to the schedule for the regular monthly report were included at the request of the Charles Luckman Committee. These questions were designed to give a rough idea of the knowledge of the public about compliance with the rules of the food-saving campaign.

Public opinion research has now well established itself as a tool of administration and a guide for the making of policy decisions. While the recognition of its uses by Congress has been slower than by administrative agencies, it has gained headway on the Hill also. It is not now as extensively used as during the early phases of the late war, but it is much more widely used than before the war.

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[19] "Women's Preferences Among Selected Textile Products," U. S. Dept. of Agric., Misc. Publication No. 641, Dec. 1947. (Two surveys on the use of potatoes have not been published.)

[20] "National Survey of Liquid Asset Holdings, Spending, and Saving," a Survey Conducted for the Federal Reserve Board by the Bureau of Agricultural Economics, U. S. Dept. of Agric., Washington, D. C., published in three parts, June, July, and August, 1946.

NEWS AND NOTES

PERSONAL AND MISCELLANEOUS

Compiled by the Managing Editor

At the University of Chicago, Professor Charles M. Hardin is on leave during the spring quarter while serving in the Office of the Secretary of Agriculture.

Dr. Robert A. Walker, at present with the Foreign Service Institute of the State Department, will join the department of political science at Stanford University as associate professor, and will conduct courses in the field of public administration and planning.

In the April elections, Professor Arthur W. Bromage, of the University of Michigan, was chosen alderman in Ann Arbor, and Professor Stuart A. MacCorkle, of the University of Texas, became a member of the city council of Austin.

Professor Harvey C. Mansfield, of Ohio State University, recently completed three months of service as a visiting expert with Military Government of Germany (U. S.).

While on leave from the University of Wisconsin during the first semester of 1949–50, Professor Royden J. Dangerfield will serve as chairman of the Academic Staff of the National War College in Washington.

Professor Graham H. Stuart, of Stanford University, will serve as visiting professor at the University of Hawaii during the coming summer session. In April, he delivered an address on "The U. S. and the U. S. S. R." at the second annual conference of the Borah Foundation at the University of Idaho.

Professors J. A. C. Grant, of the University of California at Los Angeles, and Henry Reining, Jr., of the University of Southern California, are serving on the Regional Loyalty Board of the Twelfth U. S. Civil Service Region.

At Colby College, Dr. Ossip K. Flechtheim has been promoted to an associate professorship of government and history. He has also received from the Social Science Research Council a grant-in-aid for the summer of 1949 to prepare an English edition of his book, *"Die KPD in der Weimarer Republik."*

Professor Kimbrough Owen, of Louisiana State University, will be a visiting professor in the first summer session, 1949, at the University of Minnesota, offering courses on state and local government. In the second session, Professor James W. Fesler, of the University of North Carolina, will offer courses on public administration.

Sir Alfred Zimmern, visiting professor of international relations at Trinity College, Hartford, Connecticut, delivered four lectures at the University of Minnesota, April 11–14, on the general topic, "The United States and the United Nations."

Professor Roscoe Martin, of the University of Alabama, has been appointed chairman of the department of political science at Syracuse University, in succession to Professor Finla G. Crawford, and will assume his new duties in August. Professor Martin is president of the American Society for Public Administration and has this year been made a member of the U. S. National Committee for UNESCO.

Dr. Lent D. Upson, director of the Detroit Bureau of Governmental Research from 1916 to 1944, and afterwards professor of government and dean of the School of Public Affairs and Social Work at Wayne University, died in Detroit on May 9 at the age of sixty-two. At various times he had served as statistician for the United States Census Bureau, special representative for the Federal Emergency Relief Administration, governmental consultant for the Works Progress Administration, and member of the Michigan State Commission on Reform and Modernization in Government.

Dr. Payson S. Wild, professor of government and dean of the Graduate School of Arts and Sciences at Harvard University, has been appointed vice-president and dean of faculties at Northwestern University and will assume his new duties on August 1.

Under the auspices of the Turkish Institute of International Law, Professor Quincy Wright, of the University of Chicago, visited Turkey during March and delivered five lectures at the University of Istanbul and the University of Ankara on "International Law and the United Nations."

On April 4, the Washington World Affairs Center brought to a close three conferences on "American Influence Abroad" at an open forum addressed by Assistant Secretary of State George V. Allen, Senator Paul H. Douglas, and Mr. Clinton Golden, labor adviser with the ECA. The series, conducted by Dr. Richard H. Heindel, staff associate with the Senate Foreign Relations Committee and author of writings on the general topic, covered United States social, cultural, economic, technological, and political influences abroad.

Guggenheim fellowships for the coming year have been awarded to Professors John C. Ranney, of Smith College, and W. Margaret Ball, of Wellesley College, for studies relating, respectively, to the British party system and its implications for modern democratic government and regionalism in international relations.

Professor Robert Hall, of the University of Michigan, is soliciting books to equip a library at the University of the Philippines in a new building to be named in honor of the late Joseph Ralston Hayden. Members of the American Political Science Association are especially invited to send books for this purpose to Professor Hall.

Dr. Norman D. Palmer represented the University of Pennsylvania at the Second Conference of the U. S. National Commission for UNESCO, held in Cleveland on March 31 and April 1 and 2, and acted as a resource leader at the section meetings on International Affairs Organizations. On May 12, he delivered a Gabrielson Foundation lecture, "Can Marxism be Adapted to the Needs of Asia" at Colby College.

Dr. Robert Straus-Hupé, of the University of Pennsylvania, has been appointed a consultant to the Secretary of the Army, and also to the Secretariat of the United Nations as expert adviser on migration problems in the Social Activities Division. On April 7, he addressed the Academy of Political Science in New York City on "European Attitudes toward United States Foreign Policy."

A new committee on research in international relations at the University of Pennsylvania includes among its members Drs. Norman D. Palmer, Edgar B. Cale, and Robert Straus-Hupé, with the last named as chairman.

Dr. Bessie Carter Randolph has announced that she will retire from the presidency of Hollins College in June, 1950. She has held the post since 1933, and earlier was professor of political science at Florida State College for Women.

Professor F. B. Schick, of the University of Utah, has been invited by the Austrian Ministry of Education to serve as guest professor at the University of Vienna Law School during the winter semester of 1949–50.

On April 20–21, Professor Clarence A. Berdahl, of the University of Illinois, delivered two lectures on "The Two-Party System" at the University of Mississippi as a feature of the institution's centennial celebration. He also conducted a forum on the United Nations.

In mid-April, Professor Francis G. Wilson, of the University of Illinois, delivered three lectures on "Conservatism in Politics" at the University of Washington under the auspices of the political science department.

Professor William A. Robson, of the London School of Economics and Political Science, lectured at the University of Minnesota on April 19–20 on "Recent Developments in British Government" and "Problems of Nationalization in Great Britain."

Dr. Ralph H. Huitt, of the University of Texas, has been appointed assistant professor at the University of Wisconsin and during Professor John T. Salter's absence in the Philippines in 1949–50 will have charge of the basic course on political parties.

Dr. Paul P. Van Riper, of Northwestern University, recently had charge of a U. S. Army cultural exchange project for training German state and local officials in the United States.

Mr. Matthew Cullen, Jr., has left the Institute of Public Administration in New York City to become an administrative analyst with the U. S. Bureau of the Budget.

During April, Yale University announced the establishment of a Division of the Social Sciences and a Social Science Planning Center, both to be directed by Dr. Arnold Wolfers, Sterling professor of international relations. In the past, the social science departments at Yale have formed part of the Division of Humanities.

During the coming summer session, Professor Neil F. Bruce, of Oxford University, recently teaching at Southwestern University, Memphis, Tenn., will be in charge of courses in comparative government at the University of Wisconsin.

In recognition of his distinguished services to U. N. in Palestine, Dr. Ralph J. Bunche was given a citation by the American Association for the United Nations at a dinner held at the Waldorf-Astoria Hotel, New York City, on May 9.

Dr. Ernest R. Bartley, formerly of Oregon State College, has been appointed to an assistant professorship at the University of Florida. During the present summer, Dr. Bartley is teaching at the University of Nebraska.

Dr. Myron L. Tripp, assistant professor of social sciences at Rocky Mountain College, was elected last November to the Montana house of representatives, in which he served as chairman of the committee on constitutional amendments.

Mr. Elsworth P. Woods, receiving his doctorate at the State University of Iowa in June, has been appointed assistant professor at Western Michigan College.

Dr. Charles O. Lerche, Jr., has resigned his assistant professorship at the University of Utah to accept an associate professorship at Knox College, where he will be head of the department of political science and international relations.

Dr. Howard L. McMurray, formerly of Occidental College, has been made head of the department of government at the University of New Mexico, in succession to Dean Thomas C. Donnelly.

Mr. George H. E. Smith, who for the last five years has served as the first secretary and staff director of the Republican Policy Committee in the United States Senate, has resigned that position and has retired to his home in Connecticut, where he will start work on a book dealing with the workings of Congress. Mr. Smith collaborated with the late Charles A. Beard on several of his books.

At Brown University, Professor Leland M. Goodrich, who spent the past year teaching at Columbia University, has succeeded Professor Matthew C. Mitchell as chairman of the department of political science.

Speakers at an Institute on International Understanding held at the State Teachers College at Eau Claire, Wisconsin, on June 21–22 included Professors Llewellyn Pfankuchen and William S. Stokes, of the University of Wisconsin.

After an absence of five years, the last three of which he spent as labor attaché at the American embassy in Rome, Professor John C. Adams has returned to his former post at the University of Buffalo. Professor David B. Truman, of Williams College, will teach at that institution during the coming summer.

Dr. Alonzo L. Baker, formerly lecturer at the University of Southern California, has been appointed to a professorship at the College of the Pacific and will assume his duties there in September.

Under the chairmanship of Mr. Morris L. Cooke, a National Emergency Conference on Resources was held at the Department of the Interior building in Washington on May 12–19. Professor Norman Wengert, of the City College of New York, presented a paper on "Fertilizers and Soil Fertility."

At Haverford College, Dr. H. Field Haviland, Jr., at present a tutor in government at Harvard University, has been appointed to an assistant professorship, and Mr. John P. Roche, assistant in government at Cornell University, to an instructorship.

At Stanford University, Dr. Arnaud B. Leavelle, who has been acting as executive head of the political science department, and Dr. James T. Watkins IV, have been advanced to the rank of associate professor.

Teachers of political science in colleges and universities in the Chicago region met for a dinner at the University of Chicago on April 18, with Professor William A. Robson, of the London School of Economics, as guest.

At the University of Michigan, Professor Lionel H. Laing has been appointed chairman of the board of concentration advisers for Literary College upperclassmen.

Professors E. E. Schattschneider, of Wesleyan University, and John D. Lewis, of Oberlin College, will teach in the coming summer session at the University of Michigan.

Professor Eric Voegelin, of Louisiana State University, will offer courses in political theory at Harvard University during the coming summer.

Dr. Charles O. Lerche, Jr., of the University of Utah, has accepted an invitation to teach at the Woodrow Wilson School of Foreign Affairs, University of Virginia, during the coming summer session.

Mr. G. Garold W. Thumm, instructor at the University of Pennsylvania, has been awarded a Penfield traveling scholarship, and will study international control of the Ruhr in Europe next year.

Mr. J. Malcolm Smith, acting instructor at Stanford University, has received a research fellowship from the Haynes Foundation for the year 1949–50.

Dr. Edward W. Weidner, assistant director of the Intergovernmental Relations research project at the University of Minnesota, has accepted an assistant professorship at the University of California at Los Angeles.

Mr. Robert Morlan, instructor at the University of Minnesota, has been appointed assistant professor at Redlands University, California.

Messrs. Marvin Tableman, of the University of Michigan, and Walter O. Filley, Jr., of Yale University, have been appointed instructors at the University of Michigan, effective in September.

Professor John Brown Mason, of Oberlin College, will teach during the coming summer at the University of Illinois.

Under the direction of Mr. Robert Magidoff, a faculty seminar on "The USSR Today" is holding weekly sessions for eight weeks at the University of Louisville. Meetings are attended by representatives of the press and of political organizations, as well as by other interested persons.

Professor Joseph S. Roucek, of the University of Bridgeport, will serve as visiting professor at Occidental College during the coming summer. He recently was elected an associate member of the Institut International d'Histoire Politique et Constitutionelle at the Sorbonne.

Near the first of April, Professor Thomas I. Cook, now teaching at the University of Chicago, lectured under the auspices of the department of journalism at the University of Notre Dame on "World Government," and also—in a program celebrating the tenth anniversary of the *Review of Politics*—on "The Need for Reconstruction in the Social Sciences."

Dr. James J. Robbins, formerly dean of the Graduate Division of the School of Social Sciences and Public Affairs at the American University, has rejoined the institution's faculty with a current assignment of making a report on the present status, frontiers, and methodologies in the social sciences. During April, he made a research study visit to important university centers of social inquiry and gave a series of lectures at the annual meeting of the California Association of Secondary School Administrators in San Diego. Dr. Robbins recently served for a period as public affairs officer and first secretary of the embassy at Stockholm.

The department of political science at Roosevelt College, Chicago, recently sponsored a series of lectures on "Trade Unions and the Political Crisis of the Atomic Age," with Lewis Corey speaking on "Ideological Conflicts and Their Meaning for Labor Movements;" Georges Connes on "The Rôle of Labor Since the Liberation of France"; Max Lerner on "Are American Labor Unions Permanently in Politics?"; and Harold J. Laski on "The Trade Union in the Modern Community—The Political Aspect" and "The Trade Union and Democratic Control in Industry."

The George Washington University's fourth annual Foreign Service Review Course for persons preparing for the written Foreign Service examination to be given by the Department of State, September 12–15, 1949, is being held this summer from June 13 to September 2. The course is open only to persons previously designated by the Department of State to take the examination.

Dr. E. Wilder Spaulding, formerly chief of the Division of Publications in the Department of State, is now serving as Public Affairs Officer in the American Legation at Vienna, Austria. He will represent the Legation and the Department in all matters related to the United States information and cultural exchange program in Austria, including such projects as that for the exchange of professors and students under the Fulbright Act. Mr. Spaulding had been closely associated with the State Department's publishing and research work since 1930, when he became an assistant to Dr. Tyler Dennett, then chief of the Division of Research and Publications.

The Swarthmore College Peace Collection has made a special point of gathering the records and archives of committees and groups which have devoted their energies to opposing war. A Guide has been published describing the archival material already available to the public, and a recent grant from the Rockefeller Foundation will make it possible to have thousands of accumulated books and pamphlets catalogued, and also the large collection of periodicals and bulletins issued at various times by peace groups in this country and abroad, starting as early as 1815. The Guide is to be had free upon request to the Swarthmore College Peace Collection, Swarthmore, Pa.

A Committee on Communication has been established at the University of Chicago to carry on a teaching and research program in the field. In its interdisciplinary concern with communication problems, the Committee utilizes the resources of the Division of the Social Sciences and of related professional schools. In its teaching program, it does not grant degrees, but provides major and minor fields that comprise part of the programs for master's and doctor's degrees in the several departments, committees, and schools of the University. The core program of instruction offered by the committee consists of a sequence of three courses dealing with the theory and principles of communication, the economic organization and social control of communication media, and the methods of communication research. In addition, several research seminars on specific areas and problems are offered.

The Social Science Section of the Ohio College Association met at Columbus on April 8 and 9, with a program arranged by Dr. David King, of the political science department of the University of Akron. Officers elected were: president, George Thatcher, University of Cincinnati; vice-president, William E. Binkley, Ohio Northern University; secretary-treasurer, Mona Fletcher, Kent State University.

The Pennsylvania Political Science Association held its annual spring meeting at Harrisburg on April 29 and 30. The subject of the Friday afternoon session was "Changing Local-State-Federal Relations," and speakers were Messrs. Ray F. Smock, secretary of highways; William H. Chestnut, secretary of labor and industry; and Frank A. Robbins, Jr., secretary of public assistance, all of Pennsylvania. The Saturday morning sessions included round tables on "The Rôle of the States in Labor Legislation" (chairman, John P. Horlacher, University of Pennsylvania) and "Constitutional and Governmental Problems in Germany" (chairman, Roger H. Wells, Bryn Mawr College). Mr. Herman A. Lowe, Washington newspaper correspondent, addressed the concluding luncheon. The president of the Association is Professor James A. Gathings, of Bucknell University.

The first annual meeting of the New England Political Science Association was held at Amherst, Mass., on May 14, with approximately one hundred persons attending. Topics for panel meetings included "Post-Mortem on the Hoover Commission" and "Political Implications of Administrative Coördination of Policy"; and Miss Louise Overacker was an evening speaker on "The Australian Labor Party." Professor Matthew C. Mitchell, of Brown University, served as president and Professor Lashley G. Harvey, of Boston University, as secretary. The new officers are: Charles R. Cherrington (Harvard University), president; Miss Victoria Schuck (Mount Holyoke College), vice-president; and Lashley G. Harvey (Boston University), Dayton D. McKean (Dartmouth College), and David B. Truman (Williams College), councillors.

The Northern California Political Science Association held its second annual meeting on April 8–9 at Berkeley, California, with some one hundred forty persons in attendance, representing fourteen universities and colleges, a number of government offices, and agencies interested in public affairs. Topics listed on the program related to the work of the Hoover Commission, the United States in the Pacific, the "Fair Deal," and academic freedom. The new officers are: Charles Fairman (Stanford University), president; Donald M. Castleberry (San Francisco State College), vice-president; and Anthony Bouscaren (University of San Francisco), Dean R. Cresap (San José State College), and C. Dwight Waldo (University of California), councillors.

The Pacific Northwest Political Science Association held its second annual meeting at Whitman College on April 23–24. Round tables on the first day were devoted to "American Policy Toward China" (Professor Charles E. Martin, University of Washington, chairman), "Civil Liberties—Theory and Practice" (Professor Claudius O. Johnson, Washington State College, chairman), "The Report of the Hoover Commission" (Professor Egbert Wengert, University of Oregon, chairman), "The Future of the Republican Party"(Professor John M. Swartout, Oregon State College, chairman), and "The Teaching of the Introductory Course" (Professor Albert Culverwell, Witworth College, chairman). A luncheon meeting was addressed by Professor Kenneth C. Cole, of the University of Washington and president of the Association, on "Academic Freedom as a Civil Right," and a dinner meeting by Professor Francis G. Wilson, of the University of Illinois, and official representative of the American Political Science Association, on "The Scholar and the Inarticulate Premise." There was also a panel discussion of "The Columbia Valley Authority Problem" under the chairmanship of Professor Charles McKinley, of Reed College.

A meeting of teachers of comparative law was held in Paris from March 21 to 23, under UNESCO auspices. Scholars invited from the United States were Ernst Rabel (University of Michigan), John N. Hazard (Columbia University), and Arthur von Mehrens (Harvard University). A provisional executive committee for a world organization in the field was created. The program adopted calls for a study of the influence of variations in law upon international misunderstanding and tension, the negotiation by UNESCO of a "fair practice code" governing the exchange of teachers and students of comparative law and the minimum required of students before admission to a foreign university, and the encouragement of a program of research and publication designed to guide lawyers and teachers through the materials of foreign legal systems. Since no American association for comparative law exists, steps must be taken either to form one or to expand the work of existing foreign law associations and committees to include coöperation with the new world organization.

The seventh annual meeting of the Midwest Conference of Political Scientists was held at the University of Wisconsin, April 22–24, with a registration of 186. After a few welcoming remarks by Wisconsin's vice-president of academic affairs, Ira L. Baldwin, the Friday evening session was addressed by Ben A. Arneson on "Political Scientists: Artists and Practitioners," and by Governor G. Mennen Williams, of Michigan, on "What Liberalism Means in 1949." Saturday morning was devoted to seven round tables dealing with "Comparative Government in Relation to Other Political Science Fields," "Midwest Constitutional Developments," "New Trends in Intergovernmental Relations in the Midwest," "Midwest Isolationism, Fact or Fiction?," "Midwestern Assaults on the Two-Party System," "Urban-Rural Conflict in the Midwest," and "Legislative Controls over Administration." The annual business meeting, held in connection with a Saturday luncheon, was presided over by Llewellyn Pfankuchen, chairman of the retiring Managerial Committee. One of the principal items of business was the adoption of a constitution, prepared under the chairmanship of John E. Briggs, placing the Midwest Conference on a somewhat more formal basis than heretofore. The new officers, elected as nominated by a committee headed by Oliver P. Field, are Harold M. Dorr, president; Jasper B. Shannon, vice president; and Paul C. Bartholomew, Llewellyn Pfankuchen, Joseph Dunner, Mona Fletcher, Dale Pontius, and Asher N. Christensen, councillors. The executive council elected Harry W. Voltmer secretary-treasurer of the organization. On Saturday evening, James K. Pollock discussed "The Work of the Hoover Commission," and President Quincy Wright, of the American Political Science Association, spoke on "Peace and Security." The program was concluded on Sunday forenoon with a general session on "Developments in Government Management." William A. Robson, of the London School of Economics and Political Science, discussed "Government Management under the Nationalization Program." Donald C. Stone, director of administration, Economic Coöperation Administration, and John D. Corcoran, of the Public Administration Service, also addressed this session. The program committee was composed of Paul C. Bartholomew (*chairman*), John L. Auble, Asher N. Christensen, John B. Mason, and Robert F. Steadman. A public administration committee was headed by Charles D. Goff, while David Fellman was chairman of the committee on local arrangements. The Conference accepted an invitation of the University of Michigan to meet in Ann Arbor, April 21–23, 1950.

Communication from the American Political Science Association's Committee on Aid to Foreign Universities. American political scientists can assist greatly in the political and educational reconstruction of war-devastated Europe and Asia by gifts of seldom used books, periodicals, documents, and pamphlets. Sent to foreign countries, these help to make up for library losses and shortages resulting from wartime and postwar destruction, damage, dislocation, and lack of American dollars. It is clearly to our national advantage and to the interest of world-wide progress in political science that scholars and students abroad have ready access to the publications of their colleagues.

Kinds of Publications Needed (issued since 1933): (1) research materials; (2) periodicals, including long runs, bound or unbound; (3) recognized classics; (4) books, bound or unbound (older monographs which cannot be called classics might still be valuable for foreign libraries not previously interested in the American field); (5) standard textbooks (in the case of the more solid ones, even other than the very latest edition may be valuable); (6) photostats, microfilms, charts, maps, and the like (but *not* newspapers).

Where to Ship:

(1) Gifts donated "for the place of greatest need" should be sent *prepaid* to

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Library of Congress Building
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The USBE, co-sponsored by the American Council of Learned Societies, is the successor to the American Book Center for War-Devastated Libraries, Inc., and is prepared to allocate publications where they are needed most, including so-called undeveloped areas (in line with the UNESCO program).

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International Exchange Service
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This Service will forward the gift to the exchange bureau of the given foreign country in which the addressee is located, free of charge. It is *necessary* that *each package be addressed to the intended foreign addressee. Before using this Service,* more detailed information should be requested from Mr. D. G. Williams, Chief, International Exchange Service (at above address).

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Chief, Reorientation Branch
Civil Affairs Division
Department of the Army, Special Staff
The Pentagon
Washington 25, D.C.

It should be noted that the Education Service Centers just referred to are especially interested in receiving textbooks and teacher-training material.

(4) *Cralog.* The Council of Relief Agencies Licensed to Operate in Germany, 122 East 22nd Street, New York 10, N. Y., is authorized to transmit to all zones of Germany larger shipments of educational materials (including printed matter) than can be made by other channels. CRALOG cannot guarantee delivery of packages to individuals and schools in Germany, but it will try to aid any group in the United States to get materials through. *Before* shipments (*prepaid* to New York by the donor) are made, CRALOG senders *must* write to Mr. Arthur Joice, Executive Secretary, for specific instructions.

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Contributions of money are invited and will be accepted by Professor Harvey Walker, Secretary-Treasurer of the APSA, 100 University Hall, Ohio State University, Columbus, Ohio. The money will be held in a special fund from which allotments will be made for shipping expenses and, if possible, also for the purchase of certain especially needed publications.

JOHN BROWN MASON, OBERLIN COLLEGE, *Chairman.*

BOOK REVIEWS AND NOTICES

Research in Political Science; The Work of the Panels of the Research Committee, American Political Science Association. EDITED BY ERNEST S. GRIFFITH. (Chapel Hill: University of North Carolina Press. 1948. Pp. vi, 239. $3.00).

This book makes, on the whole, depressing reading, because the contents, which are accurately described in the subtitle, fall so far short of the hopes stirred by the advance billing in the main title. Although the editor, in his introduction, speaks at one point of "the present audit and appraisal," his opening statement of the major purpose of the panels is nothing less than "to formulate a strategy of research for the immediate postwar years," and to prepare reports "carrying with them a measure of prestige" which "would serve intelligently to guide and stimulate much of the best work of the profession."

Ten chapters make up the bulk of the book, each of them dealing with a major field of study in political science: comparative government, representative government and the legislative process, public law, public administration, state and local government, international relations, political science and the study of war, military government and overseas administration, political communications, and political theory. Most of these are "traditional," but three—the seventh, eighth and ninth—were "chosen from the 'growing edge' of political science."

The first chapter is a pretty fair example of what I mean by depressing reading. Starting with the thought that "the knowledge of foreign political institutions and ideologies has become of paramount importance," it notes two points on which the panel members were generally agreed: (1) "comparative government in the narrow sense of descriptive analysis of foreign institutions is an anachronism," and (2) "there is no longer any single technique—methods and designs must be blended and kept in elastic touch and mutual penetration." These themes are repeated in paraphrase—"the stale routine of dissecting and describing foreign political institutions" must give way, and the new study "bring into play economics and statistics, social psychology and political philosophy, cultural anthropology and intellectual history." A "fertile distinction" is also drawn between areas or trends in research—"roughly defined as wider configurations or entities of problems not confined to particularized institutions or attitudes"—and topics of research. Public opinion, civil liberties, and federalism exemplify the former, and proportional representation, the political implication of Catholicism, and executive law-making the latter. But from ten pages of print I extracted just two tangible suggestions, first, that we ought to know more about the government and politics of the British dominions, Latin America, the Scandinavian countries, the Iberian Peninsula, Belgium, Holland, China, and Russia; and second, that the panel should be enlarged and permanently maintained. Moreover, the author of these ten pages had not long previously contributed to a standard text in the field, organized on the country-by-country plan, an exceptionally perceptive and well-balanced historical and analytical description of the political institutions of his homeland. And this spring, as I write, other members of the panel have helped publish two new texts, also organized country-by-country, which will doubtless answer for many teachers of comparative government their most urgent question since the panel met, namely, what to give their students to read.

There are better chapters, or passages at least, in this book than the first, notably some pages on the concept of representation, the chapters on public administration, on the study of war, and on military government. Moreover, the editor has taken his responsibility seriously by adding two chapters by way of round-up, one on methods and problems of research, the other on frontiers of political science. These go some way toward abstracting and generalizing on common topics less satisfactorily treated piecemeal in earlier chapters. But it is asking a good deal of them to float the whole book.

It is no one person's fault, perhaps no one's fault, that the panel project came off so lamely. The terms of reference were ambitious and necessarily vague; three hundred capable people were enlisted, but were practically without logistic support; the timing, as it turned out, meant inevitably that most of them could give the project only a low and intermittent priority; philosophical anarchy is better suited to the conduct of scholarly discussions than to the preparation of arresting programs. The exchanges of ideas here reported are now mostly between three and six years old. It seems unnecessary to make a book of them at this stage.

HARVEY C. MANSFIELD.

Ohio State University.

The Public Service and University Education. EDITED BY JOSEPH E. MCLEAN. (Princeton: Princeton University Press. 1949. Pp. vi, 246. $3.75.)

In November, 1946, there was held the Princeton Bicentennial Conference on University Education and the Public Service. A summary of the Conference was published in January of the following year. Now comes the present volume as a further testimonial of the good and useful work done there.

In form, the book is a collection of fifteen papers by as many different authors. The reader is nowhere advised that the papers were presented before the Conference (at any rate I found no such record), though from the statements that this book "grew out of" and that the contributors "were active participants in" the Conference, that would seem to be a safe assumption. The essays are grouped into five parts, dealing respectively with "Wartime Personnel Experience," "A Top Management View of the Federal Service," "The Personnel Needs in the International Field," "The British Experience," and "The Rôle of University Education." The subjects discussed under these several heads are timely, important, and interesting, and the authors are such that the reader will listen to their views with respect. They include, reading from A to W, Paul Appleby, Selden Chapin, Frederick Dunn, Rowland Egger, Arthur Flemming, James Forrestal, Patterson French, John Gaus, Sir James Grigg, Struve Hensel, George Kennan, Robert A. Lovett, Joseph E. McLean, Donald Stone, and E. L. Woodward—a goodly company in anybody's lexicon.

In his introduction to the series, Mr. McLean states that the papers are intended "... first, to assay the personnel needs of government; and second, to examine the rôle of the university in the education of prospective public servants." In a general way, this is what they do, but only in a general way; for when each of fifteen individuals takes hold of a segment of a subject and develops it according to his lights, the over-all result cannot be, and cannot be expected to be, a sequential development of the whole subject. There is inevitably some retraveling of old trails, some revisiting of familiar scenes. This is to say, of course, only that the symposium method has certain inherent shortcomings, which can be eliminated only by editing so drastic as to rob the contributors of their personalities. This the editor has not done in the present volume. He has left the several essays (it may be assumed) virtually intact, yet the classification and arrangement are such as to cause the papers to hang together as a logical whole.

One issue which recurs now and again concerns the basic difference between the English and the American ways of training for the public service. The British contributors (not at all strangely) develop the English point of view quite effectively, though they are joined by more than one American in the group. The system in vogue on this side is ably espoused by at least two writers. To me it seemed that the American view prevailed in point of logic, while the English triumphed in terms of the performance of its exemplars. In any case, I had no difficulty in identifying Sir James Grigg's paper as the most effective piece of writing in the book.

One who really wants to learn what is in this book should buy a copy—steep for a smallish book, but worth the price—and read Editor McLean's introductory paper. There he will discover a careful paper-by-paper summary of the high spots covered, together with useful comment about the volume as a whole. One who will take the time to look through the first essay will surely wish to examine the remaining fourteen with care. He will find his efforts well rewarded, for the essayists almost uniformly deal with an important subject with intelligence and insight.

Roscoe C. Martin.

University of Alabama.

Area and Administration. By James W. Fesler. (University, Alabama: University of Alabama Press. 1949. Pp. 158. $2.50.)

This little book of lectures delivered at the University of Alabama in late 1947 is in the thoughtful, workmanlike tradition of its author. The whole stock of local-government and public administration literature would be improved if more of us followed Fesler's example and *thought* before writing a few essays instead of hastily writing full length textbooks.

The first of these essays appraises in general terms the problem of administrative areas. It is mostly a matter of generalized definitions, clearly done but adding little to the specialist's stock of knowledge or ideas.

The second essay, on "Governmental Areas," displays a touch of puckishness which is both refreshing and unexpected in the writing of professors of political science. It includes some good generalizations as to what might be done to improve the meaningless hodgepodge of such areas. It really does not add much to our thought, however. These problems have long since passed out of the field of the calm diagnostician like Fesler; they require the attention of some impassioned evangelist who can persuade our local officials to save local self-government by rationalizing its structure.

The third and fourth essays deal with field service areas and a real coördination of field activities. Here Fesler is a master and shows his skill most effectively. The lack of effective administrative planning in establishing regions and the failure to decentralize to administrative regions are penetratingly discussed. Areal coördination is discussed on the reasonable basis that we cannot expect effective coördination in the field of what has been badly organized or left disintegrated at the center. The generalist-specialist controversy is well appraised. Millett's "dual supervision" theory is tactfully but firmly thrown out of the window—perhaps a little harder than it deserves.

This is not to imply that Fesler has a perfect touch in dealing with administrative problems. Like too many federal administrators, he is still sublimely unaware of the potency of good line-staff organization for solving many field problems. He is surprisingly optimistic about areal coördinators, on the basis of quite inadequate evidence. But throughout he is well worth reading.

Space is lacking to appraise properly the excellent final chapters on area patterns of the future, except to say that they are very thoughtful.

GEORGE C. S. BENSON.

Claremont Men's College.

The United States Congress; Organization and Procedure. BY FLOYD M. RIDDICK. (Washington: National Capital Publishers. 1949. Pp. xi, 459.)

In 1941, Dr. Riddick published a volume entitled *Congressional Procedure*, based upon his intimate contact with the national legislative body as an editor of the *Congressional Daily*. The present book represents a continuation of this interest, but it is much more than a new edition of the earlier work. An even closer relationship resulting from his service, since 1946, as Senate editor of the "Daily Digest" of the *Congressional Record* has given new insight and has stimulated the addition of much new material.

Teachers who are concerned with courses in American national government, public opinion and political processes, and legislation will find this volume a gold mine of useful and current information. Much of it simply is not available elsewhere. The adoption of the Legislative Reorganization Act of 1946 made many changes in congressional procedure which are discussed only briefly, if at all, in most of the standard textbooks. The present volume deals with them in detail. There are copious references to the standard volumes of precedents and numerous quotations from the *Congressional Record* for purposes of illustration.

Although the discussion of procedure in this book gives life to the formal rules upon which teachers have been obliged to rely in the past, the chapters on the political organization of the two houses, the determination of the legislative program, and Congress and the President illuminate many aspects of the legislative process which are not mentioned in the rules.

The author has studiously avoided any recommendations for improvement. His is merely a factual presentation as accurate as his official sources can make it. As Professor Lindsay Rogers points out in his preface to the book: "Efficiency [in representative government] is more likely if there is a full understanding of the rules that the two houses of Congress have and of how they are applied in practice. To this high end Mr. Riddick's volume has made a notable contribution."

HARVEY WALKER.

Ohio State University.

Chief Justice John Marshall and the Growth of the Republic. BY DAVID LOTH. (New York: W. W. Norton and Company, Inc. 1949. Pp. 395. $5.00).

This is not a good biography, and it is certainly not a significant addition to the short but growing list of first-rate biographies of Supreme Court justices. A reviewer must be careful lest he commit the easy sin of criticizing an author because he has not written a book he never intended to write. Mr. Loth makes it clear by implication, if not expressly, that he had no intention of writing a scholarly volume and that this is intended to be a brief, popular biography of the great Chief Justice. It has no introduction, no footnotes, a sketchy bibliography, and it makes no pretense at originality or at critical evaluation. A reviewer must also be careful lest he approach a new biography of Marshall with a chip on his shoulder because someone has presumed to invade the hallowed precincts so recently occupied by the late, and great, Beveridge. Beveridge's *Marshall* will forever remain one of the landmarks of American biographical writing. But the techniques and insights that such men as Swisher, Fairman, and Mason have brought to the writing of modern judicial biography since Beveridge broke ground in this field have made it apparent for some time that the Marshall story would one day have to be retold.

Unfortunately, in however humble a spirit the reviewer approaches this book, it is difficult to say much in its favor. A good popular biography of John Marshall would certainly meet an important need. But Loth's volume is not the answer. The chief weakness of the book, even as a popular biography, is easily stated. In spite of his title, the author has committed the cardinal sin of letting the *Chief Justice* slip from sight. From start to finish, he is at least as interested (and I think it fair to say more interested) in Marshall the soldier, Marshall the politician, Marshall the diplomat, Marshall the husband, and Marshall the biographer of Washington, as he is in Marshall the judge. Not that there is anything intrinsically wrong about covering such ground in a judicial biography. Indeed, it is the task of properly relating Marshall the man and Marshall the judge which Beveridge did not completely perform, and which leaves the way open to the new biographer. None the less, John Marshall's fame, perhaps more than that of any other great Supreme Court justice, is dependent upon his work as a judge. Even Holmes, who was a judge most of his life, offers infinitely more non-judicial material of first-rate importance to the biographer than does Marshall.

It is difficult to understand Loth's decision to play down the great cases in his biography of Marshall or, when he does dig into the details of Court work, his decision to give most of his attention to such matters as the Burr treason affair, the Georgia land frauds, and the Dartmouth College fracas. Surely the Marbury, McCulloch, and Gibbons cases in their historical backgrounds, their social conflicts, and their clash of personalities offer the popular biographer a magnificent opportunity to interest the general reader in the details of Supreme Court procedure and the substance of its great opinions.

It is also difficult to understand why Marshall's greatness as a judge seems in the end to elude Loth. He never quite succeeds in coming around to the point that Marshall took a brief, ambiguous constitution, insisted that the Court never forget that it *was* a *constitution* it was expounding, and thus did more than any single individual, except the Fathers themselves, to provide this nation with a stable, yet flexible, rule of law which has served it well for almost two centuries. Instead, the author chooses to dwell upon Marshall's narrow partisan interests, and, above all, upon his concern for the rights of property. It is not that this is an unfriendly biography, for that is certainly not the author's intention. Neither is Loth necessarily wrong when he concerns himself with the lesser events in Marshall's life, or the lesser qualities in his make-up, for these did unquestionably have a bearing upon the larger result. Many of the author's instincts and intentions seem to have been sound. In giving some of his chapters such headings as "Education of a Judge," "Education of a Nationalist," and "The Making of a Federalist," he is certainly on the right track. But Marshall's unique and all-important contribution to the making of a nation just never takes shape.

This is not a bad book, *per se*. The trouble is, it is just not a good book. And at this late date anything but a good biography of John Marshall can hardly be viewed as other than bad.

ROBERT K. CARR.

Dartmouth College.

The Autobiography of Sol Bloom. (New York: G. P. Putnam's Sons. 1948. Pp. 345. $3.50.)

The life history of Sol Bloom, known to millions of Americans as chairman of the House Foreign Affairs Committee, is a success story such as Horatio Alger might have written. Born of Polish immigrant parents in Illinois, Bloom began life in very humble circumstances. Without benefit of formal schooling—his parents were too proud to permit him to attend public school in San Francisco, to which place the family had migrated in his early youth, because they could not accept the "charity" of free textbooks for pupils too poor to buy their own—he began contributing to the family exchequer as a wage-earner at the age of seven. Displaying an amazing talent for "getting ahead," young Bloom had achieved a remarkable measure of success in the San Francisco theater and entertainment business by the time he was eighteen. At twenty-one, he was in charge of all amusement concessions at the Chicago World's Fair on a salary of $1,000 a week. A few years later he was the head of a nationally-known music publishing enterprise. Afterwards, he became a figure of importance in New York's real estate business world.

Bloom's entry into politics as a candidate for public office was the result of fortuitous circumstance. Shortly after the November election in 1932, the representative-elect from his New York district died. Bloom, being an "available" candidate chiefly because, he suggests, he was "an amiable and solvent Jew" (p. 200), was tapped by Tammany leader Murphy to run for the vacant post. He won the seat at a special election by the narrow margin of 145 votes and continued to represent his district until his recent death.

The man who emerges from this life account is one who manifestly possessed many of the qualities Americans admire—energy, ambition, business acumen, humor, tolerance, loyalty to family, friends, and country, and ability to derive genuine pleasure from association with other people. "Liberals" may note that Bloom, for all his interest in furthering an American foreign policy of international coöperation and his support of policies calculated to maintain democratic freedoms at home and abroad, was no flaming crusader for political and social reform in every field. Untouched by any zeal for civic political improvement, he was on the friendliest terms with local political bosses in San Francisco, Chicago, and New York, even though he was entirely familiar with the methods by which they maintained their power. With apparent relish, he recounts details of business deals and practices of his earlier years at which the purist in social ethics might raise a critical eyebrow.

The wide range of activities in which Bloom engaged makes this an informative and interesting life story from many different viewpoints. His reminiscences of the American entertainment world of the late nineteenth and early twentieth century give insight on this aspect of American culture in that era. Other episodes afford interesting glimpses into the ways and characters of municipal political figures of the era— "Blind Chris" Buckley of San Francisco, Carter Henry Harrison I and "Bathhouse John" Coughlin of Chicago, among others. His Washington experiences, particularly in the later years, are presented against the background of the evolving pattern of our foreign relations in a period of world crisis. He illuminates the history of the times with many a revealing anecdote. The numerous brief evaluations of figures, including the great and the near-great with whom he came into contact in his public life, supply an index of a sort to his own political philosophy.

Altogether, this is an absorbing story of a life rich in human experience, satisfaction, and achievement.

JOSEPH E. KALLENBACH.

University of Michigan.

Joseph Benson Foraker; An Uncompromising Republican. By Everett Walters. The Ohio State Archaeological and Historical Society, Ohio Governors, Volume I. (Columbus, Ohio: The Ohio History Press. 1948. Pp. xiii, 315. $3.50).

Ohio has long had political importance in the national scene. The state has produced, in the past as well as at present, many prominent persons who secured national recognition, as well as many more who were ambitious for high office. It has been the scene of heated battles between the two major political parties, and within the ranks of the Republicans. Dr. Walters' scholarly biography of Foraker well illustrates these facts.

Foraker's lifetime, from 1846 to 1917, covered an important period in United States, as well as in Ohio, history. Well trained as a corporation lawyer, Foraker was a staunch believer in the political principles of nineteenth-century Republicanism. He supported the interests of big business; he insisted upon *laissez faire*, and upheld imperialism. His ambition for office soon brought him into conflict with other prominent Ohioans. He won election to the governorship in 1886, and again in 1888. In 1890, he suffered defeat for a third term. His efforts were then turned to the task of offsetting the influence of Hanna and his "combination." In 1890, in spite of Hanna, Foraker secured election to the United States Senate. Here, for twelve years, he pursued his course, with unwavering fortitude. His imperialism was popular. He supported the war with Spain. The act which established the government of Puerto Rico bears his name. He favored protective tariffs.

After 1900, both Ohio senators, Foraker and Hanna, saw themselves as presidential timber for 1904. McKinley's death and the inauguration of Theodore Roosevelt changed everything. Soon Foraker found himself in opposition to the President. Roosevelt's desire for railroad rate legislation began his differences with the Senator. Others soon followed, such as the controversial Brownsville affair, political patronage, and Roosevelt's Caribbean policy. The antagonism between the two men grew so intense that Republican leaders feared the consequences. Foraker appeared as a dangerous reactionary, threatening T. R.'s Square Deal. In 1908, Foraker was eliminated from politics.

He was not embittered by failure, but aged and saddened. He felt that he had given his best to his country, and he had learned that the people have little or no gratitude. What he had not learned was that Wilson's New Freedom required new leadership in the ranks of the Republicans. In spite of Foraker's unwise refusal to modify his political philosophy to meet the changing times, he deserves one's admiration and sympathy for his dauntless courage and loyalty to his convictions. Had he been less uncompromising, he might have been president. There may be an important lesson for present-day leaders in the life of Joseph Benson Foraker.

Mona Fletcher.

Kent State University.

The Basing Point System. By Fritz Machlup. (Philadelphia: The Blakiston Company. 1949. Pp. vii, 275.)

The Cement Case of 1948, which declared that the concerted use of the multiple basing point system of price-making was a violation of the anti-trust statutes, has touched off one of the hottest controversies about public policy in a decade. To take advantage of the current interest, the Blakiston Company performed a minor publishing miracle in moving Machlup's analysis of the basing point system from manuscript to market in the space of three months. The result of this prodigy of effort is a useful and informative addition to an already considerable volume of writings on basing points which includes the early works of Fetter and Burns, the Federal Trade Commission reports on basing points in cement (1932) and steel (1934), and the hearings and monographs of the Temporary National Economic Committee.

The author's material is organized in eight chapters, of which the first three set the stage for an analysis of the economic effects of the basing point system of pricing. These preliminary chapters describe the variety of forms of basing point pricing; their commercial, legal, economic, and political importance; and the manner in which they function in three representative industries, i.e., steel, cement, and corn products. Two chapters then consider the monopolistic nature and the discriminatory nature of basing point pricing. The author concludes that such systems come into being only by contrivance, and that they are inherently discriminatory. The rest of the analysis considers the effect of basing point systems on the degree of competition, costs of transportation, the level, flexibility, and structure of prices, the concentration of control in basing point industries, and the effect of such systems on the utilization, expansion, and location of productive capacity. The book concludes with an appraisal of the private and social costs of abolishing the basing point system. The author believes that the benefits of such a policy will surpass the losses.

The book is clearly written, vigorously argued, and well documented. A somewhat doctrinaire tone echoes in portions of the discussion with which economists are used to deal in more qualified fashion. The very spirit of his attack, however, carries the author over economic ramparts from the cover of which corporation lawyers, in the past, have harassed the agents of public authority. What once seemed to be strong points now prove to be untenable. The exposition is strongest in the more obviously economic pages of the text, and weakest in the discussion of political and legal matters. Occasionally the argument is self-contradictory, as where Machlup says (p. 35) that business men should be told clearly what they can do and can't do, but that (p. 37) it is impracticable to make clear and specific prohibitions because business men will evade them.

For students of politics, the materials examined by the author should be especially interesting, because they demonstrate the use of basing point systems as an instrument of control in the administration of systems of private government. Giant corporations (and giant labor unions) are structures of power with as much claim, surely, upon the attention of political scientists as the seating arrangements in legislative bodies.

EARL LATHAM.

Amherst College.

The Origins of Modern Constitutionalism. BY FRANCIS D. WORMUTH. New York: Harper and Brothers. 1949. Pp. x, 243. $3.00.)

This book traces the history of constitutionalism with special reference to the contributions of seventeenth-century England. The essence of constitutionalism, says Professor Wormuth, lies in the use of what Alexander Hamilton called "auxiliary precautions" to limit and confine government. Of these, two have been particularly important: first, institutional arrangements; and second, the maintenance of the proposition that law should be general and prospective.

Now both of these elements have a long history. In a short introductory section, Professor Wormuth shows that they go back to the Greeks and that they were continued and developed further in the Middle Ages. But he argues that their modern forms come chiefly from seventeenth-century England. Political speculation between 1640 and 1660, he says, was exceeded in volume, scope, and audacity only by that of the French Revolution. In the actual writing of constitutions, these years saw more activity than either the American Revolution or its French counterpart. Thereby wide acceptance was given to the ideas, and especially to the devices, that were most influential on later constitution-makers. With these—popular sovereignty, written constitutions, the separation of powers, checks and balances, bicameralism, and the like—Professor Wormuth deals in the central part of his book. In the process he discusses such landmarks as the Agreement of the People, the Instrument of Government, and the Humble Petition and Advice. Then in the concluding section of the book constitutionalism is traced, although less elaborately, into the eighteenth and nineteenth centuries.

It must be said that the presentation of these matters is not always very artistic. There are too many short chapters and too many long quotations that interrupt the flow of exposition. The brevity of the book is such and its range of subject-matter so wide that more points are raised than can be discussed fully. Nor does the style seem to the reviewer very lucid, partly because the writer sometimes seems uncertain how far he should describe incidents, deal with history in the conventional sense, and how far he should restrict himself to the analysis of constitutional arrangements. These blemishes certainly lessen the usefulness of Professor Wormuth's book in the teaching of government and political theory to undergraduates. But the work will be very useful in spite of them. Professor Wormuth has read widely, both in the sources and among standard secondary authorities. He has made accessible to students and teachers much material not otherwise easily tapped. If his findings are not startlingly novel, they give us a better perspective on the place of seventeenth-century England in the Anglo-American constitutional tradition.

THOMAS P. PEARDON.

Barnard College.

Soviet Civil Law; Private Rights and Their Background Under the Soviet Régime. BY VLADIMIR GSOVSKY. Foreword by Hessel E. Yntema. Two vols. (Ann Arbor: University of Michigan Law School. 1948–1949. $15.00).

Vladimir Gsovsky, former member of the Imperial Russian Bar and long-time Foreign Law Librarian of the Library of Congress, has been writing the study under review for years. It is monumental, comprising not only that part of Soviet law commonly known technically as civil law, but also family law, land law, labor law, procedural law, corporation law, and constitutional law. The first volume is a treatise; the second, translations of the texts of the codes and statutes concerned.

Students of government will find the first 270 pages of volume one a useful addition to the growing number of textbooks on the Soviet system of government. It is these pages which seem most appropriate for consideration in this place. The chapters on private law will be discussed in the law reviews. There is much that is valuable in the presentation. The abundance of facts alone makes the volumes worth while. Since facts are a long suit of the study, however, it is to be regretted that a number of research errors have crept in. Some are relatively important, while some are relatively inconsequential. A few examples will indicate their nature.

It is stated that the urban population of the R.S.F.S.R. was given in 1918 a representation five times greater than that accorded the rural population (p. 52). The fact is that the constitution of 1918 established a basis for representation in the All-Russian Congress of Soviets at one deputy for 25,000 *electors* in cities and one deputy for 125,000 *inhabitants* in country districts (Art. 25). Since electors were not the equivalent of inhabitants, the ratio was something other than five to one. Likewise it is erroneous to say that the Council of People's Commissars of the R.S.F.S.R. declared in its first act that it assumed power temporarily until the convocation of a Constituent Assembly (p. 41). The decree of October 28 (o.s.), 1917, under which the new régime assumed power was issued by the Second Congress of Soviets, and the reference to the Constituent Assembly appeared in it. The Council of People's Commissars was created subsequently by the Congress of Soviets. It issued no decree assuming power for itself.

It is also in error to state that the U. S. S. R. constitution of 1936 gives the Communist party exclusive right to nominate candidates for election to the Soviet representative bodies (p. 62). The constitution lists several other agencies in Art. 141, from which Dr. Gsovsky quotes in apparent refutation of his own analysis. These other agencies are listed in the article as trade unions, coöperatives, youth organizations, and cultural societies, as well as the Communist party. Experience has shown that nominations usually come from factory meetings called and presided over by the trade union shop stewards or collective farm assemblies presided over by the president of the coöperative. The Communist party influences these decisions, of course, but the wording of the constitution, and not the character of Communist party influence, is the theme of Dr. Gsovsky at this point.

Comparison with the structure of other governments and the text of the laws of other countries is frequently employed in the study to emphasize a Soviet point of difference or similarity. In general, this is helpful and is a demonstration of the value of the comparative approach to government and law. However, the impression given by some of these comparisons is possibly not the one intended by the author, and seems misleading. For example, there is the statement that it is a principle of Western democracy to incorporate institutions designed to restrict the power of government, such as the separation of powers, the doctrine of checks and balances, etc. (p. 62). While the United States is obviously in the author's mind, he might have noted that some states generally recognized as both democratic and Western have no such checks and balances in their governmental structure. Likewise, it is declared that it is a "particular feature" of the Soviet constitution that "it especially mentions some specific duties of the citizens" (p. 68). While it is true that the Soviet constitution enumerates some novel duties of citizens, there have been lists of specific duties in constitutions which antedate the Soviet constitution, as, for example, in the Weimar Constitution (Arts. 132, 133), the 1889 Japanese constitution (Arts. 20, 21), and the 1921 Polish constitution (Arts. 89–94). Dr. Gsovsky unquestionably knew these facts, and the difficulty is probably the result of the choice of too sweeping a phrase in making a comparison.

Dr. Gsovsky says correctly, at least in this reviewer's opinion, that "the letter of the statute is in itself no more than a framework of a legal system" (p. 9). In spite of this apparent appreciation that the living character of the law is what a student seeks in approaching a foreign system, Dr. Gsovsky presents little material of a human character to put life in the law. Various brief rulings of the Plenum of the Supreme Court are cited where they declare a rule of statutory interpretation, but very few "sets of facts" are presented. Civil law lawyers customarily give little attention to the facts of cases in describing legal systems, but Anglo-American jurists live by them. It might have been thought desirable to include the facts of many more cases to provide the meat for the framework.

No volume which attempts to cover an extensive field of law can be expected to have everything. Dr. Gsovsky's study will meet many needs as a convenient single source for those seeking an introduction to Soviet statutes. The Michigan Legal Studies, and in particular its editor, Professor Hessel E. Yntema, deserve much credit for making available to the English-reading public in one place so many facts which have previously been spread through a large number of articles and a few specialized books.

John N. Hazard.

Columbia University.

Stalin and Co.; The Politburo: The Men Who Run Russia. By Walter Duranty. (New York: William Sloane Associates. 1949. Pp. vi, 261. $3.00.)

Among current American anxieties, the probable behavior of the Politburo may well rank near the top. The untrained reader may have his anxiety and curiosity reduced by the undocumented presentation of miscellaneous biographical "facts," presented in a fairly orderly manner, loosely tied together with an interpretive thread. Others who are more demanding will not.

The only useful information Duranty offers to the serious reader is contained in the ten middle chapters devoted to biographical sketches of the members of the Politburo. In these the author brings out the specific contribution of each individual to the general functioning of the Soviet political system. He shows clearly that although the Communist leaders have had to be jacks of all trades, each member of the Politburo has been prominently identified for considerable periods of time with particular political functions. However, personnel changes that have taken place since Duranty wrote suggest that the Politburo may be freeing itself of some specific administrative tasks in order to concentrate more on matters of general policy. Likewise, the conclusion that Duranty draws, on the basis of the above thesis, that Stalin's rôle will be divided among the various members of the Politburo after his death does not take sufficient account of the rôle of a strong personal leader that has been characteristic of both Bolshevik and general Russian politics.

Outside of the central thesis concerning the division of functions among the Politburo members, which applies fairly well after one drops below Molotov's rank, the general level of synthesis and interpretation is primitive. The introductory and concluding chapters are particularly unsatisfactory, as the writer is out of his depth when he gets beyond personalities. His conception of a distinction between the "Western Exiles" and those who remained in Russia before 1917 is indeed a slender reed upon which to hang the numerous dissensions over fundamental policies that have rent the top leadership of the Party on numerous occasions. Duranty has also fallen for the Stalinist line that the opposition movements formed a single loose grouping, which might have become true by the time of the great purges, but was certainly not the case before the consolidation of Stalin's victory. He takes seriously (p. 32) the 1936 constitutional provision for the right of recall of deputies to the soviets, a device that has been used very rarely if at all since the twenties. (In fact there were no elections to the local soviets between 1939 and 1947.) At several points, he asserts that Lenin's ideas on the trade unions were carried out by Stalin. This is a very dubious interpretation, and a much stronger case can be made for the conclusion that Stalin took over Trotsky's idea of turning the unions into agencies of the Party and purged them of all independent tendencies in 1930. Finally, the reviewer must confess astonishment at Duranty's literal acceptance of Zhdanov's savage postwar attacks on Soviet intellectuals as a demand for greater "independent" intellectual activity in the USSR (p. 159).

Although this book is inferior to the works of other newspaper men, such as John Scott's descriptive work or the interpretative works of Chamberlin before he embarked on his anti-Soviet crusade, it is not without merit. It represents the honest attempt of an intelligent man to tackle an important problem in a judicious and detached spirit, and as such is free from the nauseating trumpet blasts of much writing on Russia. But it also indicates that long residence and extended travel in the USSR are by themselves inadequate qualifications for making a significant contribution to our understanding of the country.

BARRINGTON MOORE, JR.

Harvard University.

Soviet Russia and the Far East. BY DAVID J. DALLIN (New Haven: Yale University Press. 1948. Pp. vii, 398. $5.00.)

Mr. Dallin presents us with a careful study of political developments in the Far East from 1931 to 1948, with special emphasis upon the rôle which Russia played in checking or fostering these developments. The first section deals with Russo-Japanese relations, 1931–41; the second, with Sino-Russian relations during the same period; the third, with Far Eastern affairs during World War II; the fourth, with events after the defeat of Japan in 1945.

Mr. Dallin's book is a very careful and very valuable study in the field he covers. Because of the copious use of little known Russian material, he is able to present facts which are little or not at all known to the general reader, or even to the ordinary expert on Far Eastern affairs. His chapters on developments in Outer Mongolia and Chinese Turkestan (Sinkiang) are especially interesting because they deal with events which are generally ignored in other books on the Far East.

To the general American public, the most valuable chapters are those which deal with the relations between the local Communist parties, especially the Chinese Communists, and Soviet Russia. The recent Communist victories in China render these chapters of major importance. Mr. Dallin deals with the subject dispassionately and objectively, but he shows clearly and conclusively that the Chinese Communist leaders are thoroughgoing Marxists in ideology and, more to the point, have worked hand in glove with the Kremlin authorities throughout the last decade.

Mr. Dallin's book is warmly recommended to all students of international affairs.

WILLIAM M. MCGOVERN.

Northwestern University.

Prospects for Democracy in Japan. BY T. A. BISSON. Published under the auspices of the International Secretariat, Institute of Pacific Relations. (New York: The Macmillan Company. 1949. Pp. viii, 143. $2.75.)

In this brief but pungent monograph, Mr. Bisson effectively combines the treatment of occupation problems, objectives, and trends, and of political and economic developments under the occupation. Since the author, from his position in the government section of occupational headquarters, played a significant rôle in the implementation of post-surrender directives to SCAP, his analysis and comments are thoroughly informed and reflective of his experience in "the greatest single administrative enterprise ever undertaken by the United States outside its own borders." His general conclusion is that "this country failed to achieve the announced aims of its initial post-surrender policy towards Japan, primarily because those aims could not be achieved through the instrumentality of Japan's old guard."

The author assays the prospects for democracy in terms of the coincidence of political and economic change with the program of reform laid down by the Potsdam Proclamation and subsequent Allied, American, and SCAP directives. He outlines the reform program and graphically describes the obstacles to it inherent in existing political and economic institutions and practices. In so doing, he notes no obvious crevices in the "formidable bastion of the old order" through which items of the program might be insinuated. The revived political parties, the bureaucracy, the emperor, the business cartels, the agricultural association, etc., are viewed as component parts of the "old guard," coöperating to sabotage the program. Only labor is regarded as eager for change and ready to use its repressed power to renovate the feudal order. Granting the force of the evidence presented, one may question its completeness, and whether, after almost a century of experience with democratic ideas and ideals, the "old guard" stood intact at the outset of the occupation. If, as Mr. Bisson affirms, there are new men and women to replace the old guard, kept from their opportunity by SCAP hesitancy and inconsistency, it seems logical to believe that such individuals had infiltrated the old order.

Some advance toward democracy has been registered, the author admits, in the political field, though its permanence cannot be taken for granted. In his treatment of the 1946 and 1947 elections, he provides essential data hitherto unpublished, revealing the handicaps, both occupational and Japanese, under which the Social Democrats struggled, at first with amazing success, subsequently with disheartening failure, to make headway against entrenched conservatism. He foresees accurately the débâcle of the third parliamentary election. Clearly and concisely, he sketches the reform legislation, questioning it only as to its thoroughness, and indicating no doubts as to the wisdom of imposing unfamiliar measures. In the economic field, Mr. Bisson concludes that democracy has been, in considerable degree, thwarted, in part by Japanese big business saboteurs, in part by American withdrawal from original occupational principles. His exposition of anti-*zaibatsu* and anti-landlord directives, legislation, and reactions thereto are essential reading for students of postwar Japan. But here, as elsewhere, his apparent conviction that Japan might have been made over in a perfectionist image unexampled in the most democratic Western states, had the right methods been rigidly enforced, demands faith rather than reason. His book is a forthright, reformist, and interesting study, for which greater attention to the findings of cultural anthropology would have furnished a more realistic frame of reference.

HAROLD S. QUIGLEY.

University of Minnesota.

Foreign Governments; The Dynamics of Politics Abroad. EDITED BY FRITZ MORSTEIN MARX. (New York: Prentice-Hall, Inc. 1949. Pp. xxxii, 713. $4.75.)

The Major Foreign Powers; The Governments of Great Britain, France, the Soviet Union, and China. BY JOHN C. RANNEY AND GWENDOLEN M. CARTER. (New York: Harcourt, Brace and Company. 1949. Pp. cxlii, 865. $5.50.)

These two books go far toward meeting the urgent need for full-length, up-to-date textbooks in comparative government. Ranney and Carter are writing for the "reader who is seeking an introduction to the politics of the major powers rather than the scholar who has already specialized in the field." The symposium of Marx undertakes to measure and appraise the changes which have taken place in the postwar world; it assumes that the reader already possesses a fund of general information.

As the audiences to whom the books are addressed differ, so also do the methods of approach. Within the confines of an introductory study, Ranney and Carter favor an intensive examination of a few countries. They have chosen Great Britain, France, the Soviet Union, and China, the "other four of the Big Five." Morstein Marx's book is extensive rather than intensive. At least seventeen governments are described. The danger of superficiality which stems from its very extensiveness is avoided by the use of a galaxy of experts, each one illuminating his field of specialization with well-founded generalizations.

Ranney and Carter have dealt adequately with the governments they have chosen, successfully keeping in mind the needs of students just learning the complexities of foreign governments. They undertake to make comparative government genuinely comparative, partly through the mechanical device of a standardized table of contents for all of the governments, and partly by frequent comments in the body of the text pointing out important comparisons. In the chapters on Great Britain, the United States is often used as a frame of reference. The section on France is particularly impressive. Because the Fourth French Republic has lived so briefly, the writing of a lengthy description of it involves much original research rather than a mere digesting of the findings of others. Guided by the standard works on the Third French Republic, Ranney and Carter have successfully synthesized currently developing French practice. In place of multitudinous footnotes, they have used an extensive bibliography, one which should be most helpful to the inquiring student.

The most lengthy treatment in Morstein Marx's *Foreign Governments* is reserved for Great Britain, to which Professor W. Hardy Wickwar has devoted approximately 150 pages. Particularly valuable are his sections on the service functions of government. He also describes the constitution, the mechanisms of organized discussion, public administration, and the empire and commonwealth. Professor Mario Einaudi contributes five significant chapters about the background and emerging institutions of France and Italy, for the most part treated functionally. Professor John Brown Mason has a chapter, also written functionally, describing the background, structure of government, general welfare problems, and interplay of political forces of Norway, Sweden, and Denmark. He writes one chapter on the German Empire and the Weimar government, another on Hitler and the problems of post-World War II reconstruction, one on republican Austria, and one on Switzerland. Each illuminates current political problems by looking at the cultural and political problems of the past. Next to Great Britain, the most extensive treatment is given to Soviet Russia, on which Professor John N. Hazard has written approximately 120 pages. He wisely and logically introduces the subject by an analysis of Marxism, and follows that by a discussion of the preponderating rôle of the Communist party. Professor Andrew Gyorgy looks with brevity and penetration at the Danubian governments, Czechoslovakia, Hungary, and Yugoslavia. Professor Paul M. A. Linebarger contributes four stimulating chapters on Japan and China. They are brilliantly and epigrammatically written, savoring perhaps more of the thoughtful literary journal than of the textbook. Professor Henry P. Jordan has a chapter each on Mexico and Brazil, in which he brings historical order out of the bewildering succession of constitutions and governments in those two countries. Professor Morstein Marx himself both opens and closes the book; he deals with ideas and ideals, trenchantly concluding with disturbing speculations on the rôle of the citizen in the present world order.

Morstein Marx's work refers the reader to additional material by the footnote route instead of by an extended terminal bibliography. His authors should be applauded for showing, in footnotes dressed with *op. cit.'s*, the page of the earlier citation. How often one wishes that other authors would be as helpful! There are some factual errors in the symposium which it is hoped subsequent editions will remove.

Which of these two texts might be used for comparative government classes crying for an adequate text may be determined by how closely their differing architectural designs match those of the instructor. Each, within its self-established pattern, deserves earnest consideration.

EDWARD G. LEWIS.

University of Illinois.

Jeremy Bentham and the Law. EDITED BY GEORGE W. KEETON AND GEORG SCHWARZENBERGER. (London: Stevens and Sons, Ltd. 1948. Pp. viii, 266. 20 s.)

The members of the Faculty of Law of University College, London, with some outside help, took the opportunity afforded by the bicentenary of Jeremy Bentham's birthday on February 15, 1948, to publish a symposium dealing with that extraordinary man's contributions to legal theory and law reform. Despite the hazards of the symposium form, this is a first-rate book which does justice to its great subject. The essays are grounded in solid scholarship and reflect a wide reading of source materials, above all the unpublished writings of Bentham. It is surprising how much of the indefatigable utilitarian's output has not yet been printed. These mss., appropriately enough, belong to the College. The chapters are written in a sprightly and interesting style which has come to be characteristic of the English essay.

The place of Jeremy Bentham in legal history is of transcendent importance.

As Professor A. V. Dicey put it in his famous lecture on Benthamism (in *The Relation of Law and Public Opinion in England*), "the history of legal reform in England in the nineteenth century is the story of the shadow cast by one man—Bentham." These writers also recall Sir Henry Maine's remark: "I do not know a single law reform effected since Bentham's day which cannot be traced to his influence." This is hardly an over-statement, for Bentham was interested in a remarkably large number of things. This book paints in bold and clear strokes the dense growth of Bentham's ideas, in all their tropical luxuriance. Above all, the contributors to the volume seek to spell out the subsequent influence of Bentham's ideas, not only in England, but all over the world. The long list of English statutes which the authors attribute to Bentham's direct or indirect inspiration is impressive testimony to his place in history. Immortality is ordinarily attached to fathering one reform law (page Mr. Volstead!); Bentham sired dozens of them, ranging from the Uniformity of Process Act, 1832, to the Land Registration Act, 1925. Furthermore, appropriate attention is devoted to the influence which Bentham derived from the fact that he had able and influential disciples: Romilly, the two Mills, O'Connell, Dumont in France, Brougham, and later Macaulay and John Austin. As one of the contributors to this volume remarks, "Bentham was more than an individual: he became a school of thought."

Dean H. F. Jolowicz contributes the opening essay on the question, "Was Bentham a Lawyer?" The answer depends upon what is meant by a lawyer; but in view of Bentham's imperviousness to legal authority, traditions, and techniques, and his dislike of the legal profession, it is better to tag him as a legislator and philosopher. Margery Fry, J. P., writes on "Bentham and English Penal Reform," drawing attention to his "curious delight in mechanical contrivances," such as his fabulous (and fatuous) Panopticon. His theories of punishment are summarized with admirable brevity and clarity. In a chapter on "Bentham and the Poor Law," M. I. Zagday shows that Bentham was the prophet of the great Poor Law in 1834, and that he exerted an immense influence upon English thinking on this subject. The same scholar contributes another essay on civil procedure, one of Bentham's favorite topics. Here he recounts Bentham's savage attacks on the common law, and his obsession for legislation and codes.

Professors G. W. Keeton and O. R. Marshall add an informative essay on "Bentham's Influence on the Law of Evidence," which was, generally speaking, in the interest of simplification. They write: "By far the most important of Bentham's contributions to the law of evidence was that, for the first time in English legal history, he undertook to test the rules of evidence by reference to general philosophy and logic, and in the light of his knowledge of the rules of Continental systems." In an essay on "The Restless Spirit of English Law," Professor R. H. Graveson undertakes to assess Bentham's influence upon various specific areas of English law, such as contracts, usury, marriage, landed property, and succession. The *leitmotiv* was, of course, the largest possible measure of individual freedom in all aspects of life. The essays dealing with English law close with a piece by R. C. FitzGerald on Bentham's place in the history of parliamentary reform. His main concern was with achieving virtual universality of suffrage, practical equality of suffrage, and freedom and secrecy of suffrage. These objectives are still on the agendas of the democracies of the world.

The next piece, by Professor Schwarzenberger, is a very learned essay weighing Bentham's contributions to international law (he invented the phrase) and organization. Here again the quality of his universal genius shines forth. The next three essays deal with his place in comparative and foreign law. Of special interest to us is a review by the well-known American Bentham scholar, Professor C. W. Everett of Columbia University, of Bentham's place in the United States. His influence upon leading Jacksonian reformers and upon the codification movement is described succinctly. Professor K. Lipstein, of Cambridge University, writes on Bentham's influence upon foreign law and foreign lawyers, showing that this influence was very small, "infinitesimal" in fact, in France and Germany, but quite important in countries about to embark upon large-scale legislation, notably Spain, Portugal, and the South American states. Professor S. G. Vesey-FitzGerald draws attention to the influence of Bentham upon the Indian codes, derived mainly from two of their original framers, his admirer Macaulay and his disciple Cameron.

The last two essays assess Bentham's place in jurisprudence. Professor W. Friedmann, of the University of Melbourne, writes on "Bentham and Modern Legal Thought," and Professor A. J. Ayer on "The Principle of Utility." While appreciating in full the great contributions which Bentham made to legal theory, these writers also focus attention upon his weaknesses, paradoxes, and inconsistencies.

In conclusion, this reviewer cannot resist the temptation of drawing attention to the fact that one of the fine qualities of this volume is that the footnotes are printed where they belong, at the foot of the page, instead of at the back of the book. This is where footnotes belong, both as a matter of logic and for the convenience of the reader. In addition, this volume has other attributes of a well-made book: tables of cases, statutes, and treaties, and an index. It is a commentary on practices now in vogue that such matters prompt special comment. All in all, this is an intelligent, informing, and entertaining book, written with learning, insight, and dignity, and devoted to an engaging theme.

DAVID FELLMAN.

University of Wisconsin.

Les Grandes Oeuvres Politiques de Machiavel à nos Jours. BY JEAN-JACQUES CHEVALLIER. Preface by André Siegfried. (Paris: Librairie Armand Colin. 1949. Pp. xiii, 406. 600 fr.)

In contrast with most American colleges, Continental universities rarely have separate political science departments, with the result that the teaching of political theory has been largely neglected in these institutions. To supply this lack, the former *École Libre des Sciences Politiques*, after the second World War, set up a new course in the history of political ideas, and it is the lectures for this course which furnish the basis of the present treatise—according to its preface, the first of its kind in French (meaning, perhaps, since Paul Janet's work, published in 1860).

Each of the sixteen chapters deals with one of the "great political writings" from *The Prince* to *Mein Kampf*. The author considers the works he has selected as "great" in the sense that they have exerted profound influence on contemporary or later political thought or events, although often by "historical chance" rather than by their intrinsic philosophical or literary merit. Whereas eight are by French authors, English political thought is represented only by Hobbes, Locke, and Burke. There seems to be no valid reason why the author (who has written two books on the British Commonwealth) failed to cover British Utilitarianism, Liberalism, and Socialism. Again, applying the author's own standard, one might ask whether the two chapters on Fichte and Maurras ought not to have been replaced by one on Hegel. In a concluding chapter, entitled "Spirit contra Leviathan," Chevallier discusses four books by contemporary political philosophers whom he considers candidates for greatness—Henri de Man, Jacques Maritain, Alain, and Bertrand de Jouvenel. These writers are grouped together as protesting, in the name of individualism, against the expanding power of the state. The anti-conservative theory which holds that, on the contrary, an expanding social service state is the best guarantee for the individual's free development, Chevallier does not mention.

To base a treatise or a course in political theory on a certain number of representative works is pedagogically sound, provided the student is led to read some, if not all, of these books themselves. Most of the present treatise consists of chapter by chapter paraphrases of the original writings. Students might thus be misled into considering such summaries as adequate substitutes for the "great works," which in most cases they could not possibly be, even though they are, as in this instance, clearly and objectively presented, and interspersed with numerous quotations. The author endeavors at times to evoke the original impressionistically, as when he compares Locke's style with "the flow of a quiet river in a plain on which a soft, rather pale, sunlight shines" (p. 89). Such comparisons, like similar notes in concert programs, are superfluous for those who are acquainted with the work and unimportant for those who are not.

After summarizing each work, the author explains its historical setting as well as its relationship with previous, contemporary, and later political writings, but fails to give any critical analysis of the political theories described. Thus, the reader is told that Rousseau equates liberty with obedience to the general will, or that Marx believes in the possibility of long-range historical predictions, but he is not made aware of the epistemological and political problems to which such assertions give rise. To stimulate this kind of criticism should, however, be one of the main tasks of any course or textbook on political theory. It is to be regretted that Chevallier, like so many teaching and writing in this field, dealt only with the historical aspect of political theories.

American students might be interested in those chapters which deal with authors not often studied in this country, such as Bossuet, Sieyès, and Sorel. This textbook as a whole, however, could hardly be considered a French equivalent of Sabine's *History of Political Theory.*

FELIX E. OPPENHEIM.

University of Delaware.

Macht, Moral und Recht; Studien zur Grundproblematik menschlichen Zusammenlebens. BY HANS ORNSTEIN. (Berne: A. Francke A. G. Verlag. 1946. Pp. 334.)

World events and problems of immediate urgency have of late so incessantly crowded upon the attention of political scientists that much of their thinking has had to concern itself with drawing up blueprints for the speedy amelioration of existing conditions. Philosophical lines of research had to await more settled times, and treatises dealing with the age-old and fundamental problems of morality, law, and political power (and their interaction) have become a rarity. Dr. Ornstein's book is, therefore, a most timely addition to the constantly decreasing number of studies of such problems.

It is, of course, obvious that no book of some three-hundred pages can even begin to exhaust the vast implications of the concepts of power, morality, and law. Yet, within his self-imposed limits, Dr. Ornstein is eminently successful in the task of clarifying some basic issues.

Starting with a brief discussion of his conception of human nature, Mr. Ornstein goes on to investigate, in separate chapters, the source and nature of political power and of morality (with special emphasis on the concept of justice and the function and scope of law, after a brilliantly critical introduction on the nature of the state). In this latter chapter, the author rejects as unmanageable the distinction of law according to its purposes or application, and suggests, instead, its conceptualization in terms of the motives which give rise to it. Dr. Ornstein identifies four major motives: (1) the need for order, (2) the demands of morality, (3) those of expediency, and (4) the requirements of brute force.

The next two chapters are devoted to an investigation of the relation of law to political power and of power to morality. This is followed by a discussion of the moral will in the state. (Here the author purposely omits the broad problem of will formation in different state systems.) A thoroughgoing critique of the state from the point of view of a humanistic, democratic ethics forms the last of those chapters which deal with power and morality.

Dr. Ornstein closes his book with a chapter on ethical theory and a short appendix which attempts to apply the author's thesis concerning the moral drive in human beings to present-day problems in power politics.

Although *Macht, Moral und Recht* attains throughout a high level of scholarship, it is not entirely free from inconsistencies and misconceptions. Some of the latter must, in all candor, be brought to the attention of the reader. In the first place, though Dr. Ornstein appears to be fully aware of the important contributions which individual and social psychology and anthropology have to make to a more complete understanding of the sources and nature of morality, law, and social institutions, the references in the author's discussion of them are limited to such classic—but by now largely out-dated—works as those of Wundt, Windelband, Durkheim, Klein, Westermarck, and Mommsen. Piaget, Freud, Jerome Frank, George Mead, Doob, Lasswell, and Malinowski—to name only a few—are never drawn upon, or even mentioned.

These unfortunate omissions lead to two consequences which in the reviewer's opinion seriously impair some of Dr. Ornstein's most skillful arguments: (1) the author minimizes the irrational element (in its amoral aspects) in human nature, and (2) he assumes for the basic ethical norms of Western Christian culture a degree of universality and absolute validity which they in fact do not possess.

In the second place, Dr. Ornstein's ethical theory is not only weakened by the doubtful assumptions of normative universality, but also by its tendency—the author's eloquent denials to the contrary notwithstanding—to deduce normative conclusions from existential premises. There is a general uncertainty to be noticed concerning the relationship of fact and value, which, I believe, is due to the fallacies inherent in Kantian epistemology which seems to underlie Dr. Ornstein's analysis.

A third defect mars some of the passages in the chapter on law. Here "*Recht*," meaning law, is several times used interchangeably with "*Recht*," meaning right. This confusion makes it possible to smuggle moral evaluations into what purports to be a descriptive account of the relation of law to the state. At the same time, the ambiguous use of "*Recht*" offers a ready standard by which to assess the state on moral grounds.

In spite of these shortcomings, Dr. Ornstein's book, with its brilliant refutation of the organismic and natural law theories of the state, and with its acute insights into the rôle of morality and law in national and international affairs, represents a worth-while addition to any political theory library. The author's deep sincerity and his humanitarian, individualistic, passionately democratic ideals cannot fail to leave a lasting impression upon the reader.

KURT P. TAUBER.

Harvard University.

Western Political Thought; An Historical Introduction from the Origins to Rousseau. BY JOHN BOWLE. (New York: Oxford University Press. 1948. Pp. 472. $5.00.)

Political theory is probably the most controversial branch of political science. Every turn in intellectual history is a point as persistently contested as any issue of contemporary politics. The writer in the field of theory may maintain a relatively objective position, at least as far as his buried premises will permit, or he may openly judge the value of new developments in the light of a personal philosophy of intellectual history. But it is not permitted to the writer in theory to judge roundly from both sides of the fence. It is the chaos in editorial policy that makes Mr. Bowle's volume irritating to the reader.

The author includes a considerable amount of material that, in recent years, has become appropriate in the study of theory. He examines the primitive background and the temple or sacred city as a prelude to his study of Greek thought; the barbarian impact on Western thought is given more effective treatment than is common; and he sees the relevance of the history of science to the development of Western ideas. The Jewish and Christian traditions are studied perceptively, and a hundred pages are devoted to what is, for the most part, an understanding treatment of the Middle Ages. In addition, the survey of the whole stream of political ideas from ancient times through Burke moves smoothly forward through the medium of Mr. Bowle's capable handling of the English language.

Some of these points should be clarified. The author refers on an astonishing number of occasions to "common sense" without defining that virtuous ingredient in political thought and practice. He speaks of Scandinavian and Viking common sense, English common sense, Southern English common sense, and that of some others. It is doubtful whether the Christian sense of order should be regarded simply as a continuation of the Roman law (pp. 445–446); it can hardly be said that the Counter-Reformation theory of the state is adequately stated (e. g., pp. 242–243); Bowle's judgment of the Middle Ages ranges from warm appreciation to sharp condemnation, and he is quite sure that he knows just what primitive Christianity was like, and what Christianity was intended to be. Luther is described as being "in tune with ordinary life and people" (p. 274); but Protestantism was politically destructive so long as "it was restricted to Germany" (p. 275). Burke had "a wider vision than any medieval writer" (p. 437); but "he lacked the range of the medieval tradition" (p. 438). Hobbes is described as "thoroughly modern" (p. 329), having a "common-sense standard of utility" (p. 330). He neglects to mention Milton's limitations on religious freedom, and he does not describe Spinoza's Erastianism. More offers us in the *Utopia* "wise principles" that are "interpreted with sound common sense" (p. 268). It can hardly be said that Mariana is more important than Bellarmine as a Jesuit thinker (p. 283). As we face today a new age of order and consolidation, Mr. Bowle notes that "the Soviet Socialist order includes the masses behind their rulers in a common drive" (p. 452).

On several occasions, Mr. Bowle refers the reader to commonly accessible texts rather than summarizing them, a device that other writers of texts in political theory might note. The author is an interesting and able writer, and he ranges through his wide knowledge of authors and languages with assurance and ease. But only if one agrees with most of Mr. Bowle's seemingly preponderant judgments will he admit that the book will be as useful for the American student as for the student in Wadham College at Oxford.

FRANCIS G. WILSON.

University of Illinois.

Rediscovery of Justice. BY F. R. BIENENFELD. (New York: Oxford University Press. 1948. Pp. 263. $4.00.)

This book brings to mind Voltaire's famous dictum, "It is far better to be silent than merely to increase the quantity of bad books." I regret that I must express such a harsh judgment, for the book is written with good motives. But good motives are obviously not enough. The fact is that this is a silly book. It is a hash of sententious clichés, tag-ends of an antiquated anthropology, scraps of neo-Freudian psychology, tortured constructions of historical events, far-fetched analogies, and many Mouth-Filling Words beginning with Capital Letters.

The dust-jacket states that the author is "an international jurist of high repute," that he is "well known for his scientific research on the Law of Compensation," and that "his work on this subject has remained the authoritative publication on this department of law in Switzerland." Mr. Bienenfeld lives in London, and it would seem that he was once a German lawyer.

His fundamental thesis is that natural law must be enthroned once more as "the indispensable fundament of any future national and international order." Apparently the doctrine of a law of nature, "universal and eternal, uniform and comprehensible," was taught by most great thinkers in history, Aristotle and Cicero, the great Roman lawyers, the leading Catholic thinkers of the Middle Ages, Grotius, Rousseau, Locke, Montesquieu, Kant, *et cetera.* There was one notable exception, of course, dat old debbil Machiavelli. What subversive force, then, ruined natural law? The answer is simple: the German Historical School of Law. From the very moment it appeared on the scene, the whole concept of a universal code of justice fell flat on its face. This led to the first and second World Wars, and "eventually reduced Europe to a desert." Of the many devastating wars that a high-minded world, uncorrupted by the German Historical School, permitted, he speaketh not.

Well, what do we do now? We must rediscover justice or natural law. And how is that to be done? You must first explore the psychological foundations of natural law. And where will you find them? The answer is: in the nursery, "the immortal nursery." Study the behavior of infants, for they exhibit mankind's fundamental desires. In fact, they do so "much more positively than adults." And what do infants teach us? We learn that in their relations with one another, brother infants exhibit communistic, socialistic, conservative, liberal, and nationalistic beliefs, demands, or traits. Thus the baby's first demand is to receive no less than his brother, and this is the communistic principle. When the child reaches the point where he wants to hang on to privileges, he is a little Conservative; and when he joins his brother in presenting a united front against the outsider, why bless his complicated heart, he is a Nationalist.

Now, it seems that we all have these five "eternal desires." For example, writes Mr. Bienenfeld: "When a worker is in danger of being robbed of his coat, he wants his *status quo* protected and turns to Conservatism by calling a policeman; when he needs a coat and cannot get one, he will support Communism; when because of work done he feels he deserves a better one and cannot afford it, he will voice the tenets of Socialism; when he sees no reason for wearing a coat at all, he is a Liberal; and if foreign competition should prevent him from buying a new coat, his feelings will be expressed in a spirit of Nationalism." All this is on page 25 of the book.

As between the child and parent, there are four attitudes towards authority, those of theocracy, individualism, self-determination, and social coöperation. And justice or natural law springs from all this, and apparently consists in holding all of these "eternal desires" in balance. The net conclusion seems to be that since rights contradict each other, no right can be regarded as absolute, and justice lies in finding an equilibrium of some sort. This idea, which has a great deal of merit, is surely not rediscovered.

The basic term of the book, natural law, is nowhere defined, and is used in many different senses, depending apparently on the mood of the author. His notion that it may rest, ultimately, on the abolition of slavery, and the recognition of every human being as a legal person, is not without interest.

Mr. Bienenfeld seems to believe, *inter alia*, that all cultures are alike, that all babies are alike, that all families *semper et ubique* are the same, that all "primitive societies" were or are the same, that all modern societies went through the same "stages" of evolution from primitive tribes through theocracy and feudalism to their present stations, and that the life of society merely recapitulates the life of a person from infancy to senility. After all, it is easy to establish general propositions; all you have to do is assert them.

DAVID FELLMAN.

University of Wisconsin.

The State Department and the Cold War. BY D. N. PRITT. (New York: International Publishers. 1948. Pp. 96. $1.25.)

The War Lords of Washington. BY BRUCE CATTON. (New York: Harcourt, Brace and Company. 1948. Pp. 313. $3.00.)

Mr. Pritt's little book is a reply to the Department of State's publication early last year of selected documents from captured archives of the German Foreign Office, entitled *Nazi-Soviet Relations, 1939–1941.* His chief points of criticism are that, since the documents are not annotated and ignore historical background, they give a maliciously distorted picture of the period with which they deal; and that, as Nazi documents, they are undoubtedly unreliable. To combat the false impressions thus created by "the cold aggressors of the State Department and Wall Street," Mr. Pritt first lists a number of accusations against the Soviet Union "from press and other comments" that followed, and were presumably motivated by, the publication of the documents; next he reviews briefly the foreign policy of Britain and France from the Munich agreement to the war; and finally he answers the accusations listed previously. Indicative of the tone of the book are the suggested motives that prompted the publication of *Nazi-Soviet Relations:* "to reconcile the ordinary decent American citizens to the colossal . . . expenditure of their government on 'defense' " and "to put the Marshall plan over on the ordinary citizen," both of which are designed to aid big business and to delay "the slump" (p. 19).

The War Lords of Washington is an adversely critical account (practically undocumented and written in journalistic style) of the successful efforts of big business interests, aided and abetted by the Administration in general and by the War Department and the Office of War Mobilization in particular, to prevent social and economic reform during the war. Among the specific points of indictment are these: that the full energies of small business were not used in war production; that labor was not admitted to partnership with management in the war industries; that the "dollar-a-year system" was not discarded in favor of an organization more susceptible of popular control; that patent rights and the results of wartime technological research were zealously guarded for the vested interests; and that consequently an opportunity for creating a dynamic democracy as a challenge to communism was lost.

Whether one accepts Mr. Catton's thesis probably depends upon the answer one may give to his reiterated question, "What were we fighting for?" Presumably we were fighting to win the war. And as much as one may deplore the fact that the bases of democracy were so little broadened during the process, the question remains whether war production would not have suffered from a divided purpose.

J. S. G. CARSON.

Randolph-Macon Woman's College.

There's Freedom for the Brave; An Approach to World Order. BY PAUL MCGUIRE. (New York: William Morrow and Company. 1949. Pp. 309. $4.00.)

Paul McGuire is a native of Australia who has ranged widely both geographically and intellectually. In 1948, he published *Experiment in World Order*, an analysis of the "British System," which also served as a vehicle for vigorous expression of his political and economic philosophy. The present work is an exposition of these ideas, essentially unchanged in content or expression, without the encumbrance of any systematic analysis. It is not profound or scholarly. McGuire attributes the troubles of the world simply to "moral and intellectual aberrations." The bases for world order are moral community, based on natural moral law," and return to the "open society"; the obstacle to be overcome, the "monstrous state"—not only the "Totalitarian Monster," but also "its mincing *alter ego*, the Social Security State." We have come to our present condition because of the decline in Christian belief and because modern philosophy and practice, under the influence of Darwin, Marx, and *laissez-faire* economics, have placed emphasis on conflict rather than on community.

A philosophy which claims that mental and moral aberrations are of such fundamental importance in Western society cannot avoid the implication that democratic government is at least a partial cause of error. Likewise, any thoroughgoing denial of the importance of conflict implies that the democratic process is at least partly superfluous. There are other indications, as well, that the distrust of the state which bulks so large in this book is in reality a belief that the moral and economic jurisdiction of man should be circumscribed.

McGuire's sense of history is good on the whole, but his generalizations are affected by a romantic view of the medieval synthesis, and by his belief that the energy of the Western states was due to their "religious-philosophical-moral order." His preoccupation with Christian doctrine creates a parochialism which hardly takes into account the non-Christian world, except the Soviet Union. His emphasis on order leads to a doctrine of work stressing the idea of vocation, and even brings forth the statement that men must relearn "their proper rôles or relations" (p. 286). McGuire insists that the state as an economic instrument is "out of its rational and national order" (p. 85), and his reference to popular education ("the merest sham, a dangerous semi-literacy," p. 299) seems to imply distrust of the state in that sphere also. Yet "Americans must insist that the political authority not only permits but demands the creation by the economy of representative economic institutions" (p. 264). Have we not reached the time, for good or ill, when a philosophy is bankrupt which seeks to deprive the state of functions affecting the moral and economic life of its citizens? If the need of the age is to develop instruments of democratic control, to deny that democratic control is possible or desirable is to liquidate one's influence in the solution of this key problem.

McGuire's eloquence and sincerity are by no means completely misplaced. His appeal for revival of individual moral responsibility and his opposition to the state's demand of total allegiance are most salutary. His exposure of some of the absurdities which attend international economic affairs is stark and illuminating. The suggestion that world government must be a complex pattern of federal arrangements is more helpful than other plans which have been developed at greater length. The book's principal strength is perhaps its atmosphere of massive concern, a concern which it cannot fail to impart to its readers.

WHITNEY TROW PERKINS.

University of Denver.

Personality and Culture in Eastern European Politics. BY DINKO TOMASIC. (New York: George W. Stewart. 1948. Pp. 249. $3.75.)

By his *Personality and Culture in Eastern European Politics*, Professor Dinko Tomasic, a sociologist at Indiana University, has made a new contribution to the understanding of the Balkans. The study is timely, both because Eastern Europe—a crucible of world wars—has been somewhat neglected by Western scholars and because the present situation in the Balkans deserves closer investigation.

Professor Tomasic's book is a sociological study of the two basic types of society in southeastern Europe: the dinaric and the *zadruga*. The first owes its origin, according to the author, to the invasion of eastern Europe by the hordes of Ural-Altaic herdsmen-warriors in the early Middle Ages, and it predominates in the mountainous districts of the Balkans. The second constitutes the basic pattern of Slavic social organization which was preserved among the agricultural folk of the lowlands. The characteristic features of the first (dinaric) type are: strong family ties which preclude territorial or institutional loyalties, paternalistic government by the head of the clan, semi-nomadic sheep-raising economy combined often with banditry, respect for military prowess, dominance by men and unequal treatment of women, and a low standard of living.

All these traits tend to produce selfish power-seeking personalities, emotionally unstable and bent upon self-aggrandizement. It is this type of men who have supplied the Balkans over centuries with political leadership and who are today prominent in the Communist-Partisan governments of the area.

The second type of society (*zadruga*) presents a lively contrast to the first. The plowmen of the fertile lowlands are above everything attached to the land which they till by common effort, and this loyalty is stronger than the clan ties. They practice economic equality, vest little authority in their chiefs, respect honest work, abhor militarism and government interference, and are indifferent towards "politics." In comparing these two types of society, the author believes that only conscious favoring of the *zadruga* type and elimination of the dinaric elements from the governments of the Balkan states can in the long run assure this area much-needed political stability and democracy.

On the whole, the book is a valuable contribution to the study of eastern Europe, although one might take exception to some statements made. The reviewer was struck by a somewhat rash tendency of the author to include Poland in the chain of states under consideration and to extend to her those observations which seem to be true in the case of the Balkans. Except for the narrow band of the Carpathians constituting her southern border, Poland is predominantly a lowland country, and there is little evidence that the dinaric elements have ever played any significant rôle in her history. Mr. Tomasic rather sweepingly accepts the theory that the Polish state owes its origin to the Ural-Altaic invasions, as is the case with the Balkan states. A number of historians reject the thesis of conquest with regard to Poland, and those who admit it link it rather with a possible Scandinavian-Norse invasion. On the other hand, the essentially peaceful internal development of the Polish kingdom with its free election of kings, exaggerated rôle of parliament, religious tolerance, and utter lack of regicides throughout the thousand years of its history can hardly be considered as an illustration of dinaric tendencies.

GEORGE LENCZOWSKI.

Hamilton College.

The Political Community; A Study of Anomie. BY SEBASTIAN DE GRAZIA. (Chicago: University of Chicago Press. 1948. Pp. xx, 258. $4.00.)

The argument of this book is that for his own happiness, everyone needs to be ruled and directed. This must be done subtly, by training him to accept the community's system of beliefs. Where such beliefs are generally held, society is coherent and people know that they "belong." But in a society where "no body of common values and sentiments exists, a person feels isolated and lost, without standards. . . . In depression, expectations are so frustrated, and in unusual prosperity so satiated, that in both cases a sense of confusion results, a loss of orientation, a sense of getting nowhere fast. This is anomie.

The belief-systems which provide the essential common values and sentiments must involve "trust in supreme beings who are rulers not so much for their command over subjects as for their special ability to rule the environment. These supreme figures, the religious and political rulers, can thus provide for the community." All belief-systems require that love, faith, and obedience be rendered to the ruler. Moreover, the religious and political belief-systems demand coöperation among the members of the community, in contrast with the business ideology, which can ask for competitive relationships. "There lies the reason that the political and religious systems of belief can never fundamentally conflict. Both of them are descended from the community of the family."

In brief, the book is a plea for a parallel religious and political authoritarianism. If this is threatened, the author holds that Nazism or its like must appear. "The recency of popular anxiety colors the movement with a strong interrelatedness which invariably brings the blood brotherhood and the physical and moral authority of the *ruler* to the foreground." This argument reminds one of Aesop's fable about the frogs who wanted a king. The gods gave them a log; but as this inactive king did not satisfy them, they croaked incessant pleas for another, until the angry gods sent a stork who devoured them. But the point of the fable is that they did not need a king in the first place. This is what our author never sees. The "ruler" flits through all the pages of the book as an essential feature of a healthy society which does not suffer from "anomie." The conception of an adult society, a democracy whose "ruler" is the agent of the people and whose belief-system is not authoritarian but rational, lies outside Mr. de Grazia's frame of reference.

MIRIAM E. OATMAN.

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BRIEFER NOTICES

AMERICAN GOVERNMENT AND POLITICS

In *Home Rule for America's Cities* (Chicago: American Municipal Association, 1949, pp. 68, $1.50), by Rodney L. Mott, we have an excellent non-technical study of home rule for American cities—what it is, how it works, and on the basis of actual experience, its advantages. While authorities in the field of local government have accepted constitutional home rule as the best method of regulating city-state relationships, actual progress in securing it has been slow. State legislatures have been reluctant to give up their control over cities. Dr. Mott's study should result in a wider acceptance in practice of home rule for cities. He discusses principles and he presents facts from the experience of states using constitutional home rule. While less comprehensive than the works on home rule by Joseph D. McGoldrick and Howard L. McBain, this study should be more effective in getting results. Dr. Mott assumes the rôle of an advocate—and he performs his rôle well. Any legislator or member of a constitutional convention who reads the study with an open mind should be convinced that this is the solution to the problem of a satisfactory city-state relationship. And municipal officials and citizens, on the basis of this study, should be more determined to carry on the fight to secure home rule for cities. The study will be of assistance also in drafting a constitutional provision for home rule. Experience is always a good teacher, and here we have a survey and evaluation of the results under various types of constitutional provisions. As a solution to the judicial whittling away of municipal powers under constitutional home rule, the author suggests a plan of local federalism, with the residual powers of government vested in cities and the state having only delegated powers. Dr. Mott and the American Municipal Association have made a contribution to the cause of improved city government by presenting this excellent study.—CHARLES M. KNEIER.

In *The Discretionary Powers of School Boards* (Duke University Press, 1949, pp. 147, $3.00), John D. Messick presents a "broad sampling" of cases and a "representative summary" of court decisions concerning administration of public school systems in this country. The purpose, says the author, is "to determine from numerous court decisions just what discretionary powers are vested in a board of school control, to see how far courts will allow school boards to exercise their honest judgment when there is no statutory edict, to formulate for school officials and teachers regulations whereby they may better be guided in their duties, and to safeguard school officials against an abuse of the power delegated to them." The seventeen chapters of the short book treat, among other matters, the powers of school boards with respect to establishing school districts and schools; selection, purchase, and sale of building sites; creation and sale of school plants; maintenance and operation of plants; supervision of schools; bond issues; the superintendent, teachers, and other employees; transportation, attendance, and discipline of students; and curriculum and textbooks. Each chapter has a brief summary, and the general "conclusion is drawn that where there is no statute to the contrary, a board has wide possibilities in the exercise of its rights." The treatment is sketchy; 550 cases are cited, with little analysis. Perhaps, as the author claims, the material should be of some "practical value to school officials, boards of education, and attorneys at law"—although these people ordinarily would need to know far more about the law of a single state on a specific problem than could be found in this "outline book." Of limited practical value, the work also falls considerably short of being a scholarly study in political science or public law.—FRED A. CLARENBACH.

In these hectic postwar years, when so much interest centers in the problems of atomic energy, spy-rings, and loyalty probes, and the controversial issue of what is the wise and legitimate sphere of governmental secrecy disturbs alike the guardians of security and the minutemen of freedom, a wide range of readers will find very useful the materials, including a bibliography, compiled by Robert E. Summers in *Federal Information Controls in Peacetime* (H. W. Wilson Co. 1949, pp. 301, $1.50). While several of the contributions are from the *Congressional Record* and reports of the Atomic Energy Commission, a majority are from newspapers and periodicals. They are well arranged and supply a stimulating discussion of the whole problem of controls and their operation. The compiler offers no thesis or solutions. In spite of the lack of unity inherent in this type of compilation, certain key sentences can be singled out. One of these by Sumner T. Pike calls attention to the central dilemma of the Atomic Energy Commission in the matter of information versus secrecy. "The Act tells us to make progress while in effect going in two opposite directions at the same time. We must disseminate and encourage the dissemination of scientific and technical information, while at the same time we must control or prevent the dissemination of data which have to do with atomic weapons, the production of fissionable material, or the use of it for power" (p. 58). And Hanson W. Baldwin admits that "there is no easy or general answer to preserving essential security without the imposition of non-essential censorship" (p. 125). In a tense world, secrecy and censorship remain a part of the strategy of security. The basic principles are clear; but the techniques and procedures are imperfect; and the borderland will always have its troublesome cases.—ARNOLD J. LIEN.

In the fifth edition of *The American Problem of Government* (Appleton-Century-Crofts, Inc., 1949, pp. lx, 651, $4.25), Chester C. Maxey presents to the student of American government a useful treatment of the whole field of our government. Of late years there has been much interest in the use of such a text in the classroom, not alone in the unified and functional treatment of the subject, but as well in a treatment which will have the end-result of reducing the voluminous extent of the work. To accomplish this is no small task. We have shown comparatively less interest in structure and organization and more in functions of government. The author meets this challenge very ably. His emphasis is on ideas, problems, and functions. The first six chapters are devoted to general political ideas and institutions which may better prepare the student to observe the workings of our system. He does not entirely escape the many and substantial pitfalls confronting one in presenting the unified functional approach. To be general enough to be brief, and yet detailed and specific enough to be clear and explicit, seems almost irreconcilable. In his treatment of the "Administrative Process," the author may have accomplished a gargantuan task. However, the student still may not know what are the characteristics of so basic an act as the Pendleton Act, or what are the functions of the United States Civil Service Commission. Also, it seems doubtful whether the chapter on "Local Government" may prove of more value than a mere outline. In the treatment of the structure of government, the unified plan is for the time abandoned. The treatment of state and local government is even more generalized than that of the national government. These as well as other examples illustrate the difficulties with which the author is met in the use of the unified functional method, particularly if the treatment is to be accomplished in brief space. Some cross-references, for example on p. 507, appear in error. Just what is the policy of the author in the use of footnotes, references, and citations is not clear. In only two instances in the whole text are there footnotes, and these seem of no consequence. There are but three cross-reference notes, three reference notes to the Constitution, five footnote references, and fifty-three citations of cases, thirty-four of which are bunched in the chapter on "Liberty." In other instances, citations of cases are conspicuous by their absence. In general, there is recognition of significant national policies, but one may not expect to find them in the index. Chapter references are limited, but not particularly selective. There is a generous number of charts or graphs, and an appendix presents the Constitution. With considerable supplementary material, the text seems a teachable one.—H. C. Cook.

Taxation of Manufacturing in the South (Bureau of Public Administration, University of Alabama, 1948, pp iv., 110), by James W. Martin and Glenn D. Morrow, is a brief description of the tax policies of Southern commonwealths as affecting manufacturing. This policy, by means of favorable tax differentials, offers inducements to manufacturers to locate in the state. In spite of inducements in the way of property "exemptions and preferential rates on manufacturing property," Martin and Morrow find that "creditable manufacturers appear to be more concerned with long-run prospects than with temporary inducements; and they look upon efficient public services combined with a stable and equitable distribution of the tax load, rather than special tax favors, as the most attractive tax policy." While manufacturing is advancing faster in the South than in the nation as a whole, the authors find that this advance is in a few states, and moreover that there is little difference between tax burden and the rate of growth of manufacturing. "Some of the Southern states, for instance, which are showing the most rapid industrial development have relatively heavy tax loads, whereas others have relatively light tax loads." Southern leaders of commerce will find from this valuable study that perhaps it is better to reorganize their state and local governments to provide better services and "certainty and stability" than it is to offer inducements by tax differentials of one sort or another. On the whole, the study indicates favorable conditions for the progress of manufacturing in the South.—James E. Pate.

C. C. Rohlfing, E. W. Carter, B. W. West, and J. G. Hervey now present the fifth edition of their volume, *Business and Government* (Foundation Press, 1949, pp. xii, 808, $5.50). The number of pages is substantially the same as in the earlier editions, and unfortunately many of the errors and inaccuracies which were in those editions have not been removed from this one. The general outline and most of the text have also been retained, but in many of the chapters the data have not been brought up to date; for example, there is no mention of the recent Supreme Court rulings on rate regulation. While those rulings may be vague, the Court clearly thought it was opening a new chapter in utility regulation. Many quarrels could arise out of the theory on which the book is constructed, but this is surely not the place to raise that type of question.—Charles B. Hagan.

FOREIGN AND COMPARATIVE GOVERNMENT

Samuel J. Hurwitz' *State Intervention in Great Britain* (Columbia University Press, pp. viii, 321, $4.00) deals with Great Britain's attempt to solve the problems of economic mobilization and control posed by the first World War. The study is presented as a case history of the "slow, reluctant, and grudging response of the state" in what was then perhaps the most advanced of free industrial societies to the demands of the first of the modern total wars. A comparatively lengthy description of the difficulties, political and otherwise, of the Liberal governments of the decade immediately preceding the war serves as an introduction to the whole. Major emphasis is laid upon a detailed description of the handling of the principal problems of labor and the supply of various basic commodities. Popular response to measures undertaken by the government, particularly in terms of labor difficulties, are dealt with in a third section, of which the final chapter on Reconstruction, although lamentably brief, serves as an epilogue for the study. Mr. Hurwitz' treatment of his data is most commendable. Although the pattern which he discovers—business as usual, voluntary organization, and, finally, state control—is repeated in almost every instance, his literary skill is equal to the task of preventing its becoming wearisome. The sources consulted cover a wide range, and from them he has extracted many an interesting and illuminating item. Further to his credit is the scarcity of oblique and obscure references to men and events which assume that the reader is as familiar with the materials as is the author. As it is presented, however, the work suffers a major defect in its lack of conclusions. Without them, the study seems open at both ends, and places upon the reader the responsibility of extracting from it the generalizations which make it of use as something more than a narrative primarily chronologically unified. Even so, Mr. Hurwitz has here collected in convenient form many interesting data which will undoubtedly prove of use generally to students of governmental-economic relationships, and which add to the depth of our understanding of the intricate problems of that field.—FRED V. CAHILL, JR.

Students of political science who are interested in a brief, non-technical account of the development of the British police system will find a useful little book for this purpose in *A Short History of the British Police* (Oxford University Press, 1948, pp. viii, 117, $1.00), by Charles Reith. Designed primarily to present the story of the British police system to the general public, it describes with broad strokes the evolution of the British police system from its beginnings in a rude tribal society down to the highly developed organization serving the needs of the modern British state. Since his space is limited, the author can consider only briefly the three distinct police systems which have evolved in Britain during the course of her history. In the "tything-man" system, which was the first to appear, each individual was responsible to his relatives and group for observing the law, and the group was responsible for seeing that he did so. During the Norman period, this system gradually gave way and the parish-constable system emerged. This system, which later became the model for the police systems established in the United States, attained its widest development during the course of the seventeenth and eighteenth centuries. Differing in several important respects from its Saxon predecessor and from the gendarmerie police systems developed on the Continent, it functioned most effectively as long as England retained an agricultural economy. It failed to meet the needs of a society transformed by the Industrial Revolution, however, and in the late eighteenth and early nineteenth centuries it was supplanted by the the third British police system, which continues to the present time. Although the earlier history is most interesting, it is in the discussion of this third system that Mr. Reith makes his most effective contribution to an understanding of the principles underlying British police methods and procedures. Emphasizing the important rôle of British public opinion in making British police methods effective, the author asserts that the respect which the British police receive from the people is the oustanding factor in their efficiency. His account of their long and arduous efforts to win this respect provides impressive support for his view. An appendix and six illustrations are included.—Francis R. Aumann.

Maurice Dobb, the well known leftist British economist, has provided in his *Soviet Economic Development since 1917* (International Publishers, pp. vii, 475, $4.00) one of the most useful summaries on the subject available in English. Although the work is primarily historical in its approach, it does not neglect the analytical. The major space is given to a chronological summary of Soviet economic development, but several chapters are allotted to analyses of the planning system, the fiscal machinery, and labor. *Soviet Development since 1917* is, as a matter of necessity, controversial. Mr. Dobb appears to be sympathetic with the social and economic aims of the U.S.S.R. It is, therefore, not surprising that on moot points he generally takes the orthodox Soviet position. In the matter of Soviet statistics, for example, he recognizes the criticisms often made of their accuracy; yet he accepts, with few reservations, the essential validity and reliability of the Soviet figures. Dobb does not, however, write with the pen of a Soviet Marxist economist. His aim is apparently to synthesize Western economics, in which he has been trained and which he teaches, with the Soviet brand of Marxism to which he is inclined. To him, Soviet economic development is not simply the fulfillment of Soviet aims, but the adaptation of aims to economic forces over which even the omnipotent state has no control. In this book, Dobb has covered much the same ground as has Baykov in his recent work, and with a point of view not too dissimilar. However, Baykov is more detailed, more technical, aiming at the trained reader rather than the layman. Dobb is more popular. He is also more polemical, although his polemics are not strident and are confined largely to footnotes. *Soviet Economic Development since 1917* is smoothly written and well organized. If used with reserve—and this limitation applies to almost all works on the U.S.S.R.—it should prove valuable not only for those new to the field but also for those who seek a convenient summary of familiar material.—Sidney Harcave.

One usual effect of colonial government is that the law of the native population is to a large extent replaced by that of the European ruler. To some extent this is inevitable, for the penalites prescribed in criminal law are often barbarous by Western standards. None the less, the process has often been carried much too far, and the natives have often suffered in consequence. The Dutch in Indonesia have been a conspicuous exception, at least in recent years. They have evolved a plural legal system. There is Dutch law for Europeans, Japanese, and those Indonesians who have wholly or partially accepted European law. Foreign Asiatics, *e.g.*, Arabs, are to some extent subject to their own native laws. The great bulk of the 71,000,000 Indonesians are in large measure tried in accordance with adat or customary law, *i.e.*, the indigenous code which they themselves have evolved in the course of their history. There are nineteen principal variants, each with many minor variations. For years, the Dutch have carefully studied and written down the varieties of adat law, and enforced them in the native courts. B.ter Haar wrote his *Adat Law in Indonesia* so that judges, lawyers, and officials would have a comprehensive handbook to guide them in handling the unwritten law. The book has been edited and translated by E. A. Hoebel and A. A. Schiller (Institute of Pacific Relations, 1948, pp. xiv, 255, $4.00), who have written a valuable introduction. The book itself is arranged topically, *e.g.*, social organization, land law, inheritance, etc. This authoritative study is of great interest for students of anthropology and primitive law.—LENNOX A. MILLS.

La Modernisation des Instruments de Travail et des Méthodes dans les Administrations publiques (Librairie Armand Colin, Paris, pp. viii, 120) is a symposium prepared under the direction of M. Henri Puget, Conseiller d'État and director of the Center of Administrative Research of the recently established *Nationale Fondation des Sciences Politiques*. The general subject-matter of the five essays included in this issue of the *cahiers* is just what the title indicates. The first essay, by M. Puget himself, outlines the general problem of modernization and mechanization of French—or any other—administrative methods. The second concerns not only administrative mechanization in, *e.g.*, the fields of payroll accounting and election registration records, but also some of the personnel problems involved in the mechanization of French administration. The third discusses the use of photostats and microfilm, while the fourth analyzes the problem of the organization and management of libraries for administrative agencies. While these first four essays furnish lucid and interesting insights into French administrative problems, they add little to our fund of technical information on these subjects. The fifth essay, however, discusses the problem of the development of organization and methods (O & M) units in the French government. The French experience, described in some detail, should be of considerable interest to those concerned with large-scale administrative problems in the American public service.—PAUL P. VAN RIPER.

The latest volume in the United Nations Series, *Yugoslavia* (University of California Press, 1949, pp. xxiii, 558, $6.50), is edited by Professor Robert J.

Kerner, and, despite the difficulties presented by the subject, maintains the high standard of previous volumes. G. Taylor writes on geography, C. S. Coon on races, G. R. Noyes on languages and literature, R. J. Kerner, B. E. Schmitt, J. C. Adams, H. N. Howard, and W. S. Vucinich on different historical periods, M. B. Graham on constitutional developments, J. S. Roucek on Yugoslavs in America, D. B. McCown on agriculture, J. Tomasevich on economic relations, A. N. Dragnich on social structure, S. K. Turosienski on education, M. Spinka on religion, and W. S. Vucinich on the Moslems. All told, it is an excellent volume, and it is hardly just to single out individual chapters. Yet the two by Tomasevich on economic matters and the one by Spinka on the churches merit special mention, partly because they present so much material which is hard to come by and do not have the flavor of summaries. Some chapters have footnotes; some have brief bibliographies; some have neither. Certainly a few more pages devoted to documentation would have added greatly to the volume's value for teachers and students. A discussion of non-Slavic minorities in Yugoslavia might well have been in order, considering the detail given to other topics. An excellent forty-page chronology from A.D. 330 to 1948 by H. N. Howard and a translation of the constitution of 1946 appear as appendices.—E. C. HELMREICH.

INTERNATIONAL LAW AND RELATIONS

In *The Commonwealth and the Nations* (London: Royal Institute of International Affairs, 1948, pp. viii, 229), Professor Nicholas Mansergh examines the recent changes in the relations of the several nations constituting the British Commonwealth, and offers pertinent suggestions for their improvement necessitated by the addition to the Commonwealth of the three new states of Ceylon, Hindustan, and Pakistan. He includes also an interesting chapter on the Asian Conference of 1947 which symbolized the growing nationalism of the Asiatic states and the end of Western domination in that area. The book emphasizes the opposition of the older dominions, especially Canada, to the creation of any organization for the determination of a common foreign policy. The watchwords of the dominions are decentralization and reliance upon continuous consultation. Anything more formal is feared as a limitation upon each country's sovereign right to determine its foreign policy in accordance with its own regional needs. "They [the Commonwealth nations] place their reliance," says the author, "not upon formulated or rigid agreement, but upon the existence of a common sense of purpose and acceptance of a common scale of values." But such an informal arrangement the author thinks will suffice only for peoples with common traditions and ideals. In the case of Eire, with different traditions and ideals, it signally failed. This fact suggests that probably the Irish demand in 1921 for "external association with instead of membership in the Commonwealth" would more nearly suit the requirements of the new Asiatic peoples, to whom dominion status continues to imply some degree of subordination. The addition of such associated states to the member states would doubtless produce "an element of constitutional untidiness" in an already complex system; but that, the author thinks, "would be a small price to pay for a flexibility in Commonwealth relations which enables peoples of many races and different traditions to coöperate wholeheartedly in the common purposes which the Commonwealth serves in the world."—ELMER D. GRAPER.

"War crimes" literature has already reached the size of a respectable shelf. Yet the *Report of Robert H. Jackson, United States Representative to the International Conference on Military Trials* (Washington, D.C.: Department of State, Publication 3080, 1949, pp. xx, 441, $1.75) manages to add significantly to our knowledge of this extremely controversial subject. This is the stenographic report of the meetings held in London in 1945 between the representatives of the United States, the U.S.S.R., Great Britain, and France, for the purpose of creating the procedure by which the major "war criminals" were later tried before the International Military Tribunal in Nuremberg. Because of this method of presentation, there is a good deal of unavoidable duplication, and since an index is unfortunately missing, it is necessary to read through the entire book for any purpose whatever. Once this is done, however, the effort is rewarding, not only for those who seek enlightenment in the field of international and criminal law, but also for students of comparative law, because the representatives of the four powers had only a very perfunctory knowledge of the legal systems of their opposite numbers, and they spent much time explaining differences of law to one another. Only the French members, Judge Falco and Professor Gros, seem to have possessed a greater knowledge of comparative law, and their contributions are therefore all the more distinguished. The aim of the American representative (Associate Justice Jackson) was clear from the outset. He wanted to see established the principle of the criminality of waging aggressive war, because of the alleged deterrent effect on future war lords. For this purpose, he insisted that war had in fact been outlawed by the Kellogg-Briand treaty, and urged the acceptance of the broader American concept of "conspiracy" as against the much narrower Continental notions of "aiding and abetting." For the same reason, he was prepared to advocate laxer rules for the prosecution, and stricter rules for the defense, than are customary in American courts. However, the argument that the American rules were designed to protect juries from bias, and that they were therefore out of place in a trial before learned judges without jury, is well taken. The restrictions on the defense, however, while preventing propaganda in the court-room, also prevented an attack against the legal basis of the proceedings. The French were somewhat doubtful on many of these points, and the Soviet delegate wanted to adopt rules which in effect would have made certain acts criminal only when committed by Nazis. Long and arduous was also the debate about the trial of entire organizations, which had the effect of shifting the burden of proof upon the accused whose affiliation with a criminal organization was revealed. The adoption of this controversial point constituted a victory for the American delegation, though not necessarily for American legal principles. On the whole, the conference was distinguished by great adaptability on the part of the members, and by a frank atmosphere of give and take. The reader of 1949 who digests this account of 1945 will hardly fail to feel wistful for those still recent days.—Robert G. Neumann.

The dichotomy between political internationalism and unilateral economic nationalism is a matter of transcendent concern. The United Nations Conference on Trade and Employment, concluded at Havana in March, 1948, produced five agreements (relating to policy, cartels, commodities, employment, and economic development and international investments); and also (a sixth accomplishment) the constitution of a new United Nations international trade organization. These instruments constitute a basis for economic peace—perhaps even a start away from the economic war which has characterized our century. Clair Wilcox's *A Charter for World Trade* (Macmillan Co., 1949, pp. xvii, 333, $4.50) is an important and authoritative analysis of the conduct and results of the complex and frequently trying negotiations leading to the constitution, or charter, of the organization aforementioned. There is a foreword by W. L. Clayton, who himself should be credited with substantial contributions to the success of the Conference. One does not associate Professor Wilcox with uncritical, careless, or even polemical material; and this book is neither a surprise nor a disappointment. It seems in every way a sound monograph, succinct but thorough. The twenty chapters include a sufficient historical background to World War I, a survey of the provisions (including a summary chapter), and a judicious appraisal which does not neglect the bad features of the long and sometimes complicated constitution of the International Trade Organization. Dr. Wilcox hopes for ratification of the Charter and the setting into action of the Organization. It is scheduled to run the gamut of required constitutional processes in about sixty countries during 1949. He hopes, further, for a fair trial for this new United Nations economic agency. Despite a number of concessions to the phobia for autonomous national action, it offers, on balance, the best hope of deliverance from anarchy in trade relationships. The Appendix includes a "reader's guide" to the Charter, and its full text (including annexes), as well as an index. This is one of the best books or monographs on an organ or associated agency of the United Nations.—J. William Robinson.

American colonial policy in the Pacific is undergoing considerable change in the present decade. Probable statehood for Hawaii and Alaska, formal independence for the Philippines, possible organic acts for Guam and Samoa, and the acceptance of a strategic trusteeship over the Carolines, Marshalls, and Marianas indicate the pattern of liquidating nineteenth-century imperialism. *America's Pacific Dependencies* (American Institute of Pacific Relations, 1949, pp. 134, $1.50) consists of eight chapters written by qualified specialists on the subject—Rupert Emerson, Lawrence S. Finkelstein, E. L. Bartlett, George H. McLane, and Roy E. James. The book is a "Survey of American Colonial Policies and of Administration and Progress toward Self-Rule in Alaska, Hawaii, Guam, Samoa, and the Trust Territory." A supplement written by Roy E. James carries the study through the latter part of 1948. The publication of this book is very timely, especially since the present Congress is facing the problem of enacting needed legislation with respect to the Pacific dependencies. The chapters are well written, reflect scholarly judgment, and contribute to an understanding of the areas. Within the limitations of space and the framework of a symposium, the authors have written a commendable book. Especially valuable is the first chapter, by Professor Emerson on American policy toward Pacific dependencies. The rôle of the United States in the trusteeship system of the United Nations in the Pacific is also well discussed. The chapter on the Trust Territory of the Pacific Islands, by Roy E. James, provides an excellent account of this strategic trusteeship of the United States. In these days, when Pacific areas of the United States are often studied in terms of global strategy, it is well to remember that they are also, in the words of Mr. James, "outposts of American social and political responsibility."—RUSSELL H. FIFIELD.

Under the title *Western Union* (Public Affairs Press, 1949, pp. 183, $3.00), Andrew and Frances Boyd discuss the trend toward European unity. As explained in an introduction by Executive Secretary M. B. Schnapper of the American Council on Public Affairs, the study was sponsored by the United Nations Association of Great Britain and then made available in this country. The first of the four chapters of which the book is composed describes the economic and political condition of Europe at the end of World War II. Chapter II is a summary of plans and movements for European unity from the time of the Roman Empire down to the League of Nations; but they are presented without the benefit of critical analyses. In Chapter III, the authors deal with "The Present," setting forth the development and the purposes of the Marshall Plan, the Benelux union, the Anglo-French defense pact of 1947, and the five-power Brussels defense pact of 1948. "The Future" is the subject of the final chapter, in which privately-sponsored projects for a closer European unity are presented. There are eleven appendices with texts of speeches, treaties, and resolutions, and with a chronology of postwar events in Europe. All in all, the volume is a handy reference for facts, dates, and events relating to past and present movements for European unity. It is not, however, a discussion of the problem of unity, and indeed from its treatment the reader would scarcely be aware of the fact that there is a problem. The North Atlantic Pact was only an idea at the time of the writing of the book, and therefore is not discussed.—NORMAN HILL.

Senator Joseph R. McCarthy of Wisconsin, and perhaps the Senate Armed Services subcommittee inquiring into the war crimes trials of Nazis convicted of the so-called Malmedy massacre of eighty-three American war prisoners, would approve of Montgomery Belgion's *Victors' Justice* (Henry Regnery Co., pp. 187, $2.75). Written as a letter from London to "My Dear Daniel," a former comrade in arms now on occupation duty in the British Zone in Germany, the book purports to be a critical exposition of the methods and judicial theories of the Nuremberg Trials. Its thesis can be stated summarily: not only is the legality of the Trials itself fraudulent, but for every one of the major charges in the indictment, the same could be said with equal vigor and truth about the "victors" themselves, especially Russia. Factually, it does indeed raise in bold relief the entire question of international justice, as it also exposes actions on the part of the "victorious" powers that most certainly will challenge sensitive and intelligent people. But its *leitmotif* that two wrongs either make a right or at least mitigate the wrong itself is open to question. The moral and legal problems that the book suggests might well serve as a starting point from which to reëxamine the entire question of international morality and justice—especially the problems centered around the "victor" and the "vanquished." But somehow the book does not really come to grips with Mr. Justice Jackson's closing remark at Nuremberg: "If you were to say of these men that they are not guilty, it would be as true to say there has been no war, there are no slain, there has been no crime."—BENJAMIN M. ZIEGLER.

Europe on the Move; War and Population Changes, 1917–47 (Columbia University Press, 1948, pp. xi, 377, $5.00), by Eugene M. Kulischer, is a detailed analysis of population shifts on the European Continent during the critical period from 1917 to 1947. Cause and effect are explained with considerable objectivity, and the book becomes the most comprehensive treatment of a subject that down to this time has received only scattered and incomplete consideration. It is the author's contention that most migratory movements that are not the direct result of some governmental pressure can be explained on the basis of a "trend to equalize the standard of living." With a great increase in population during the last ten years in spite of war and famine, these population movements will become more serious unless we are able to provide some improvement in the standard of living of people in many parts of the world. Since unregulated migratory movements have been a factor leading to war in the past, we must devise some means of controlling population shifts in the future in order to reduce the chances of war and "channel them for the benefit of humanity." This will necessitate some balance between the demands of certain groups for a betterment of the conditions under which they are living and the rights of other groups to protect their relatively high standards of living. The author recognizes that this is a long-time program, but he believes that it is absolutely essential as a step toward world peace.—CARL M. FRASURE.

With their second and revised edition of *Charter of the United Nations: Commentary and Documents* (World Peace Foundation, pp. xvi, 709, $4.75), Leland M. Goodrich and Edvard Hambro bring the record of the United Nations to the middle of 1948. The 1946 edition is still complete in itself, as an article-by-article commentary on the Charter text. The 1949 edition retains this material, and adds an analysis of practice. The authors have done a very fine job, particularly from the point of view of political scientists and international lawyers, in confining their account of practice to questions and statements of important principle. The article-by-article form still serves this purpose well, although there is much practice to be recorded for some articles and little for others. The objectivity of the work is remarkable: "We have intentionally refrained from expressing judgments on the adequacy of action taken by the organs of the United Nations or the effectiveness of the United Nations in achieving its purposes." The United Nations now needs a scholarly literature of appraisal, which is beginning to appear. It may be predicted that its authors will rejoice at the igloo provided by Goodrich and Hambro against the endless blizzard of documents. There is a good bibliography in which non-English items play a part. New documents have been traded for old in Part III. It seems a "must" book for teachers and students of international organization.—LLEWELLYN PFANKUCHEN.

POLITICAL THEORY AND MISCELLANEOUS

Few scholars have been honored posthumously with a publication comprising not only hitherto unpublished material, but also previously published studies. Dietrich Schindler, well-known Swiss jurist and international lawyer, who died early in 1948, has been so honored. The volume *Recht, Staat, Voelkergemeinschaft* (Zurich: Schultheiss and Co., 1948, pp. 376), in addition to his posthumous writings, contains a number of articles on problems of "Law, State, and Community of Nations" that were scattered in a variety of somewhat inaccessible periodicals, *Festschriften*, etc., and are well worth republishing. Outside his own country, Schindler was, perhaps, best known as a student of international law and specialist in the field of international arbitration and adjudication. His eminence in this area is confirmed by at least two articles in the present volume. One, on "Arbitration and the Preservation of Peace," pp. 319 ff., deals with the problem of the type of conflicts which are arbitrable and those which are beyond possibilities of arbitral solution (in the sense of either legal decision or solution *ex aequo et bono*). The other one, entitled, somewhat untranslatably, *Werdende Rechte* ("Law in the Stage of Becoming"), pp. 289 ff., draws a thought-provoking comparison between the systems and problems of international law and those of labor law and relations, with an emphasis on the questions relating to settlement of disputes in these fields. But the present volume reveals the author as a stimulating student of constitutional law, and the general theory of law and the state also. While a number of articles on problems of Swiss public law are of interest to the student of Swiss law and government, attention should be called to the more generally important discussion (unfortunately, in fragmentary form) which the editors have entitled "On the Reconstruction of the Legal Order" (pp. 72 ff.). Here the author tried to base a novel theory of law upon going beyond the somewhat sterile dualism of *Sein* and *Sollen*, reality and norm, by drawing upon ideas in Nicolai Hartmann's ontology—a theory which regards the world structurally as consisting of existential spheres or "layers" (*Schichten*), where the higher ones, such as ethical values or juridical norms, are above, but borne (though not *caused*) by, the lower ones of psychical, biological, and physical realities. This inquiry into the theoretical foundations of law and politics—just now a somewhat neglected field—by itself makes the volume a worth-while enterprise.—JOHN H. HERZ.

In his *El saber político en Maquiavelo* (Madrid: Ministry of Justice, 1948, pp. 281), Francisco Javier Conde wants to penetrate to the ultimate sense of Machiavelli's wisdom. He first gives an historical survey of attitudes toward Machiavelli's work and a detailed analysis of some recent interpretations. It is admitted that Machiavelli, as a patriotic Italian, was also inspired by the idea of Italian unity, to be achieved by a great prince. But the deepest foundation of his thinking is found in the fact that he is a man of a transition period—no longer a man of the Middle Ages, but a modern man, although not yet a positivist in the sense of Comte. God no longer appears in Machiavelli's picture of the world; hence the problem of men's destiny is a problem all of this earth; hence the state is for Machiavelli all, whereas for St. Thomas Aquinas the state has only a function for this world, the Church for the other world; hence the Christian concepts of "Providence" and "grace" are secularized in Machiavelli's concepts of "*fortuna*," and "*virtù*". He no longer thinks like Dante in terms of the medieval Christian Commonwealth, but like Bodin in terms of the single, national, sovereign state. He no longer reflects the older estates, the values of blood and authority, but the individualistic values of the bourgeois. Reality is for Machiavelli pure movement, made up of two coördinates: there are man's innate passions, his appetite for power, his longing for security, his innate malice, his natural tendency toward disorder, on the other hand, irrational Fortune, indifferent to men's destiny. Such a set-up, with the resulting uncertainty, makes men's destiny a tragic one. But Machiavelli's Fortune is not the *fatum* of antiquity: Fortune can be vanquished by the "*virtù*," not of the *profanum vulgus*, but of the genius, by him who knows. Machiavelli's concept of knowledge is a technical and pragmatistic one: to know is to foresee and to manage. Political wisdom tends toward security. The emphasis on security gives certainly today a very modern impression. Political knowledge, neutral to ethical values, is knowledge of how to command. Political wisdom's greatest creation is the state which guarantees security. But as there is a pluriverse of states, and as each state, according to the "reason of state,"strives for security, and as the longing for security leads to aggrandizement and conquests, it is a paradoxical result that each state, longing for security, makes for the insecurity of other states. Hence the ever-permanent possibility of war; hence the primacy of foreign policy; hence the necessity for permanent military preparedness. Political wisdom—wisdom how to command within the state—must be coupled with diplomatic wisdom—wisdom how to negotiate—and with military knowledge—to love peace and to know how to make and to win war.

Hence Machiavelli's admonition, now enthusiastically endorsed by Brierly in his *Outlook of International Law*, that the state must have two things: "good arms and good laws."—JOSEF L. KUNZ.

Most symposia fall short of their promise. *The Year Book of World Affairs, 1949* (London: Stevens and Sons, Ltd., 1949, pp. viii, 342, 20s.), edited by George W. Keeton and Georg Schwarzenberger, is no exception to the rule. Several of the twelve articles, including the four-score discriminating book reviews, contribute notably to the general field of international relations, but others are neither systematic nor exhaustive—lacking in timeliness, content, and scholarship. One of the more significant efforts is "The Study of International Relations," by G. Schwarzenberger, in which the thesis is projected that the science of international relations is really only a "branch of sociology." On the other hand, the fact of international relations is diagnosed by the author in terms of politics, i.e., power politics, described as a system of international relations in which groups consider themselves to be ultimate ends, use, at least for vital purposes, the most effective means at their disposal, and are graded according to their weight in case of conflict. H. Seton-Watson's "Eastern Europe" gives a brilliant analysis of the pattern of Communist dictatorships behind the Iron Curtain. He concludes that these régimes are a stale rehash of the Soviet one-party state, with the exception that the parties in Eastern Europe operate, not directly as in the Soviet Union, but indirectly through a mass organization that mobilizes the broad masses behind the revolutionary vanguard. L. B. Schapiro's valuable contribution entitled "Soviet Participation in International Institutions" delineates two main trends, viz., the defense of national sovereignty and the identification of politics with legal theory. A scholarly treatise on "The Conflict of Sovereignties in the Antarctic" is presented by J. Daniel; while an analysis of "The International Court of Justice" by Edvard Hambro is both sympathetic and realistic. On the other hand, both "The Middle Way in France" and "Basic Problems in Modern China" appear to assess the native Communist movements too lightly. Other topics discussed include "The Future of the British Colonial Empire," "India—Since Independence Day," "Recent Developments in Inter-American Relations," "Palestine and the United Nations," and "The 'Little Assembly.'" These essays are concerned primarily with mere fact-finding and contain little analytical evaluation. —ALFRED J. HOTZ.

The standard bibliographical equipment for Latin Americanists is the annual compilation of " . . . the more significant publications relating to Latin America in the fields of the social sciences and the humanities," the *Handbook of Latin American Studies: 1945* (Harvard University Press, ix, 404, $7.00), edited by Miron Burgin, of the Hispanic Foundation of the Library of Congress. The present volume "opens the second decade in the life of the *Handbook*," and all eleven volumes represent high standards of scholarship in covering the basic works in English, Spanish, Portuguese, and French. The Government section of the present volume is excellently handled by Professor Asher N. Christensen, of the University of Minnesota. The writer's only wish is that the volume could be published more promptly.—WILLIAM S. STOKES.

"The efficiency of government, central and local, depends to an ever-increasing extent on the ability of a large number of officials to express themselves clearly." To meet this need, Sir Ernest Gowers, a senior civil servant, has prepared, at request of the British Treasury, *Plain Words: A Guide to the Use of English* (London: His Majesty's Stationery Office, pp. 94, 2s.). With numerous examples of good and bad official writing, the author points toward the standard Milton is said to have attained in his use of words: "fewer would not have serv'd the turn, and more would have been superfluous." Seventy cents will purchase this admirable little book from the British Information Services, 30 Rockefeller Plaza, New York City.—CHARLES FAIRMAN.

A LETTER TO THE EDITOR

Whoever breaks with precedent has only himself to blame if others misunderstand his purpose. For author to reply to critic in this REVIEW is a departure from precedent of the magnitude of "Man Bites Dog." I am nevertheless moved to take this daring step, and to hope that I may be permitted, as an occasional contributor and as a former member of the Board of Editors, to comment in print on the thoughtful and thought-provoking review of the fourth edition of my *International Politics*—written by my good friend and neighbor, Leland M. Goodrich, and published in the February issue.

It would, I am sure, be unseemly for me to quibble with Professor Goodrich's conceptions of "objective analysis," "the balanced view," "political agitation," "special pleading," and "personal preconceptions and biases." To do so would be to imply that he has prejudices while I have none; or that I have none and he has some; or that our prejudices are different. The first two propositions are absurd. The third is obvious. Political science—alas!—is still so little "scientific" and so inevitably imbued, *pro* or *contra*, with currently prevailing value judgments that little can be said of such matters save: *De gustibus*. . . . It would be equally fruitless to dispute Professor Goodrich in his assertions that the goal of world government is "completely unrealistic," that the only alternative I suggest is "disaster," and that undergraduates are so naïve and tender-minded as to be incapable of grappling with a text (generously conceded to be an "intellectual challenge" for "mature" students) which deviates at some points from current political and ideological orthodoxy.

Whether the book is "distorted," "unsuitable" for beginners, and "even dangerous" is also a matter of taste. I am puzzled by the allegation that I "come close to accepting the Marxist interpretation of history," since I have expressly repudiated this interpretation in the present work (pp. 16 and 896), in *Soviet Politics* (pp. 22–30), and elsewhere. A critical review of a general text on world politics might also be expected to take cognizance of maps, documents, bibliographies, appendices, and index as aids in teaching. But no matter. My quarrel is more substantive than procedural.

I feel entitled to enter a vigorous disclaimer at Professor Goodrich's examples of "prejudiced treatment." Since, as he rightly says, "space permits only a few examples," one might suppose that he would pick valid examples—of which, no doubt, some are to be found. All of his actual examples, I fear, are false.

To aver that the new edition "makes no mention of the influx in recent years (into the Foreign Service) of young men of ability and limited means, made possible by better salaries and improved methods of recruitment," is to ignore completely the discussion of the Rogers Act, the Kee-Connally Act, the merit system, and the new salary scales and personnel policies set forth on pp. 201 f. To say, regarding the section on "The Strategy of Fear," that "there is little reference to Communist practice" is surely to overlook or distort the data presented on pp. 398, 401, 403, and many other pages in other chapters. I wonder how "a more complete explanation" would put Byrnes' proposal of a Four-Power Pact to keep Germany disarmed "in a more favorable light." Professor Goodrich is not unaware of the verdict of events on the numerous pacts to keep Germany disarmed after World War I. Or does he think it better, as Charles A. Beard once put it, to "preside with feeble hopes over dust and ashes"?

Professor Goodrich finds "highly prejudiced and misleading" the view that investment bankers and military career men have increasingly determined foreign policy in the Truman Administration. The fact, however, is self-evident, both before and since the November election. It is documented in the book. It has been commented upon repeatedly by Governor Dewey, Sumner Welles, Walter Lippmann, Blair Bolles, Vera Dean, Tris Coffin, Jay Franklin, the Hoover Commission, *et al. ad infinitum.* Professor Goodrich's statement that the book "almost completely ignores the possibility of Soviet responsibility" for the "Cold War" is in flat contradiction to pp. 898, 901–02, 907–09, and sundry other passages. His final "example"—*i.e.*, the alleged "thesis of Byrnes-Bevin culpability," asserted to be based on the statement that "Roosevelt agreed at Yalta to a delimitation of spheres of influence," "shown to be without foundation by the Hopkins papers"—is simply a muddle. The Hopkins papers are far more in harmony with my interpretations than with Professor Goodrich's. Students and teachers who want to know exactly what was (and was not) agreed upon at Yalta, and before and after Yalta, will find the answers, with full documentation, on pp. 227–33 and 804–05 of the book.

Reasonable men and women may reasonably differ as to the implications and probable consequences of the contemporary continuation of international anarchy. Such differences, as I see them, do not preclude expressions of judgment in a textbook, so long as facts and opinions are clearly differentiated. They certainly do not warrant misrepresentation of the character of a textbook through the selection of "examples" of "prejudice," none of which stands up to critical examination when compared with what is actually said in the book. I am certain that Professor Goodrich's comments are inspired by the same concern that I feel, and that all of us feel, for the survival and salvation of mankind in an agonizing Time of Troubles. I believe that such concern is most likely to be fruitful when honest differences of judgment are honestly explained and discussed among scholars, teachers, students, and citizens.

FREDERICK L. SCHUMAN.

Williams College.

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